

105TH CONGRESS  
2D SESSION

# H. R. 3494

## AN ACT

To amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

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## AN ACT

To amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Child Protection and  
3 Sexual Predator Punishment Act of 1998”.

4 **TITLE I—PROTECTING CHIL-**  
5 **DREN FROM SEXUAL PREDA-**  
6 **TORS AND COMPUTER POR-**  
7 **NOGRAPHY**

8 **SEC. 101. CONTACTING MINORS FOR SEXUAL PURPOSES.**

9       Section 2422 of title 18, United States Code, is  
10 amended by adding at the end the following:

11       “(c) Whoever, using the mail or any facility or means  
12 of interstate or foreign commerce, or within the special  
13 maritime and territorial jurisdiction of the United  
14 States—

15               “(1) knowingly contacts an individual who has  
16 not attained the age of 18 years; or

17               “(2) knowingly contacts an individual, who has  
18 been represented to the person making the contact  
19 as not having attained the age of 18 years,

20 for the purposes of engaging in any sexual activity, with  
21 a person who has not attained the age of 18 years, for  
22 which any person may be criminally prosecuted, or at-  
23 tempts to do so, shall be fined under this title or impris-  
24 oned not more than 5 years, or both. It is a defense to  
25 a prosecution for an offense under this section that the  
26 sexual activity is prosecutable only because of the age of

1 the individual contacted, the individual contacted had at-  
2 tained the age of 12 years, and the defendant was not  
3 more than 4 years older than the individual contacted.”.

4 **SEC. 102. TRANSFER OF OBSCENE MATERIAL TO MINORS.**

5 (a) IN GENERAL.—Chapter 71 of title 18, United  
6 States Code, is amended by adding at the end the follow-  
7 ing:

8 **“§ 1470. Transfer of obscene material to minors**

9 “Whoever, using the mail or any facility or means  
10 of interstate or foreign commerce—

11 “(1) knowingly transfers obscene matter to an  
12 individual who has not attained the age of 18 years,  
13 or attempts to do so; or

14 “(2) knowingly transfers obscene matter to an  
15 individual who has been represented to the trans-  
16 feror as not having attained the age of 18 years,  
17 shall be fined under this title or imprisoned not more than  
18 5 years, or both.”.

19 (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of chapter 71 of title 18, United States  
21 Code, is amended by adding at the end the following new  
22 item:

“1470. Transfer of obscene material to minors.”.

1 **SEC. 103. INCREASED PRISON SENTENCES FOR ENTICE-**  
2 **MENT OF MINORS.**

3 Section 2422 of title 18, United States Code, is  
4 amended—

5 (1) in subsection (a), by adding at the end “If  
6 the individual had not attained the age of 18 years  
7 at the time of the offense, the maximum imprison-  
8 ment for an offense under this subsection is 10  
9 years.”; and

10 (2) in subsection (b), by striking “10” and in-  
11 serting “15”.

12 **SEC. 104. ADDITIONAL JURISDICTIONAL BASE FOR**  
13 **PROSECUTION OF PRODUCTION OF CHILD**  
14 **PORNOGRAPHY.**

15 (a) USE OF A CHILD.—Subsection (a) of section  
16 2251 of title 18, United States Code, is amended by in-  
17 serting “if such visual depiction was produced with mate-  
18 rials that had been mailed, shipped, or transported in  
19 interstate or foreign commerce by any means, including  
20 a computer,” before “or if”.

21 (b) ALLOWING USE OF A CHILD.—Subsection (b) of  
22 section 2251 of title 18, United States Code, is amended  
23 by inserting “, if such visual depiction was produced with  
24 materials that had been mailed, shipped, or transported  
25 in interstate or foreign commerce by any means, including  
26 a computer,” before “or if”.

1 **SEC. 105. INCREASED PENALTIES FOR CERTAIN ACTIVITIES**  
2 **RELATING TO MATERIAL INVOLVING THE**  
3 **SEXUAL EXPLOITATION OF MINORS OR**  
4 **CHILD PORNOGRAPHY AND TECHNICAL COR-**  
5 **RECTION.**

6 (a) INCREASED PENALTIES IN SECTION 2252.—Sec-  
7 tion 2252(b) of title 18, United States Code, is amended—

8 (1) in each of paragraphs (1) and (2), by strik-  
9 ing “or chapter 109A” and inserting “, chapter  
10 109A, or chapter 117”; and

11 (2) in paragraph (2), by inserting “the offense  
12 consisted of the possession of 50 or more items of  
13 the sort described in subsection (a)(4) or” after  
14 “if”.

15 (b) INCREASED PENALTIES IN SECTION 2251(d).—  
16 Section 2251(d) of title 18, United States Code, is amend-  
17 ed by striking “or chapter 109A” each place it appears  
18 and inserting “, chapter 109A, or chapter 117”.

19 (c) INCREASED PENALTIES IN SECTION 2252A.—  
20 Section 2252A(b)(2) of title 18, United States Code, is  
21 amended by inserting “the offense consisted of the posses-  
22 sion of 50 or more images of the sort described in sub-  
23 section (a)(4) or” after “if”.

24 (d) MODIFICATION OF POSSESSION OFFENSE.—Sec-  
25 tion 2252(a) of title 18, United States Code, is amended  
26 so that paragraph (4) reads as follows:

1 “(4) either—

2 “(A) in the special maritime and territorial  
3 jurisdiction of the United States, or on any  
4 land or building owned by, leased to, or other-  
5 wise used by or under the control of the Fed-  
6 eral Government, or in the Indian country (as  
7 defined in section 1151 of this title), knowingly  
8 possesses a book, magazine, periodical, com-  
9 puter disk, film, video tape, or any other matter  
10 that contains a visual depiction of sexually ex-  
11 plicit conduct and the production of which in-  
12 volves the use of a minor engaging in that con-  
13 duct; or

14 “(B) knowingly possesses a book, maga-  
15 zine, periodical, computer disk, film, video tape,  
16 or any other matter that—

17 “(i) has been mailed, or has been  
18 shipped or transported by any means, in-  
19 cluding computer, in interstate or foreign  
20 commerce, or which was produced using  
21 materials which were mailed or so shipped  
22 or transported; and

23 “(ii) contains a visual depiction of  
24 sexually explicit conduct and the produc-

1                   tion of which involves the use of a minor  
2                   engaging in that conduct;”.

3           (e) CHILD PORNOGRAPHY POSSESSION OFFENSE.—  
4 Section 2252A(a)(5) of title 18, United States Code, is  
5 amended in each of subparagraphs (A) and (B), by strik-  
6 ing “3 or more images of” and inserting “an image of”.

7 **SEC. 106. CRIMINAL FORFEITURE FOR SOLICITATION OF**  
8 **MINORS AND INTERSTATE PROSTITUTION.**

9           Section 2253(a) of title 18, United States Code, is  
10 amended by inserting “, or who is convicted of an offense  
11 under section 2421, 2422, 2423, 2252A, or 2260 of this  
12 title,” after “2252 of this chapter” in the matter preced-  
13 ing paragraph (1).

14 **SEC. 107. PRETRIAL DETENTION OF CHILD SEX**  
15 **OFFENDERS.**

16           Subparagraph (C) of section 3156(a)(4) of title 18,  
17 United States Code, is amended to read as follows:

18                   “(C) any felony under chapter 109A, 110,  
19                   or 117; and”.

20 **SEC. 108. INCREASED PRISON SENTENCES.**

21           Subsection (b) of section 2422 of title 18, United  
22 States Code, is amended by adding at the end the follow-  
23 ing: “If in the course of committing the offense under this  
24 subsection, the defendant used a computer to transmit a

1 communication to the minor, the minimum term of impris-  
 2 onment for the offense under this subsection is 3 years.”.

3 **SEC. 109. REPEAT OFFENDERS IN TRANSPORTATION**  
 4 **OFFENSE.**

5 (a) **GENERALLY.**—Chapter 117 of title 18, United  
 6 States Code, is amended by adding at the end the follow-  
 7 ing:

8 **“§ 2425. Repeat offenders**

9 “(a) The maximum term of imprisonment for a viola-  
 10 tion of this chapter after a prior sex offense conviction  
 11 shall be twice the term otherwise provided by this chapter.

12 “(b) As used in this section, the term ‘prior sex of-  
 13 fense conviction’ means a conviction for an offense—

14 “(1) under this chapter or chapter 109A or  
 15 110; or

16 “(2) under State law for an offense consisting  
 17 of conduct that would have been an offense under a  
 18 chapter referred to in paragraph (1) if the conduct  
 19 had occurred within the special maritime and terri-  
 20 torial jurisdiction of the United States or in any  
 21 Territory or Possession of the United States.”.

22 (b) **CLERICAL AMENDMENT.**—The table of sections  
 23 at the beginning of chapter 117 of title 18, United States  
 24 Code, is amended by adding at the end the following new  
 25 item:

“2425. Repeat offenders.”.

1 **SEC. 110. DEFINITION AND ADDITION OF ATTEMPT**  
2 **OFFENSE.**

3 (a) DEFINITION.—

4 (1) IN GENERAL.—Chapter 117 of title 18,  
5 United States Code, is amended by adding at the  
6 end the following:

7 **“§ 2426. Definition for chapter**

8 “For the purposes of this chapter, sexual activity for  
9 which any person can be charged with a criminal offense  
10 includes the production of child pornography, as defined  
11 in section 2256(8).”.

12 (2) CLERICAL AMENDMENT.—The table of sec-  
13 tions at the beginning of chapter 117 of title 18,  
14 United States Code, is amended by adding at the  
15 end the following new item:

“2426. Definition for chapter.”.

16 (b) ATTEMPT OFFENSE.—Section 2422(a) of title  
17 18, United States Code, is amended by inserting “or at-  
18 tempts to do so,” after “criminal offense,”.

19 **SEC. 111. USE OF INTERSTATE FACILITIES TO TRANSMIT**  
20 **IDENTIFYING INFORMATION ABOUT A MINOR**  
21 **FOR CRIMINAL SEXUAL PURPOSES.**

22 (a) IN GENERAL.—Chapter 110 of title 18, United  
23 States Code, is amended by adding at the end the follow-  
24 ing:

1 **“§ 2260A. Use of interstate facilities to transmit infor-**  
 2 **mation about a minor**

3 “Whoever, using the mail or any facility or means  
 4 of interstate or foreign commerce, or within the special  
 5 maritime and territorial jurisdiction of the United States,  
 6 knowingly transmits, prints, publishes, or reproduces, or  
 7 causes to be transmitted, printed, published, or repro-  
 8 duced, the name, address, telephone number, electronic  
 9 mail address, or other identifying information of an indi-  
 10 vidual who has not attained the age of 18 years for the  
 11 purposes of facilitating, encouraging, offering, or soliciting  
 12 any person to engage in any sexual activity for which any  
 13 person may be criminally prosecuted, or attempts to do  
 14 so, shall be fined under this title or imprisoned not more  
 15 than 5 years, or both.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
 17 at the beginning of such chapter is amended by adding  
 18 at the end the following new item:

“2260A. Use of interstate facilities to transmit information about a minor.”.

19 **SEC. 112. STUDY OF PERSISTENT SEXUAL OFFENDERS.**

20 The National Institute of Justice, either directly or  
 21 through grant, shall carry out a study of persistent sexual  
 22 predators. Not later than one year after the date of the  
 23 enactment of this Act, such Institute shall report to Con-  
 24 gress and the President the results of such study. Such  
 25 report shall include—

1 (1) a synthesis of current research in psychol-  
2 ogy, sociology, law, criminal justice, and other fields  
3 regarding persistent sexual offenders, including—

4 (A) common characteristics of such offend-  
5 ers;

6 (B) recidivism rates for such offenders;

7 (C) treatment techniques and their effec-  
8 tiveness;

9 (D) responses of offenders to treatment  
10 and deterrence; and

11 (E) the possibility of early intervention to  
12 prevent people from becoming sexual predators;  
13 and

14 (2) an agenda for future research in this area.

15 **SEC. 113. REPORTING OF CHILD PORNOGRAPHY BY**  
16 **ELECTRONIC COMMUNICATION SERVICE**  
17 **PROVIDERS.**

18 (a) IN GENERAL.—Whoever, while engaged in provid-  
19 ing an electronic communication service or a remote com-  
20 puting service to the public, through a facility or means  
21 of interstate or foreign commerce, obtains knowledge of  
22 facts or circumstances from which a violation of section  
23 2251, 2251A, 2252, or 2252A of title 18, United States  
24 Code, involving child pornography (as defined in section  
25 2256 of such title), is apparent shall, as soon as reason-

ably possible, make a report of such facts or circumstances to an agency or agencies designated by the Attorney General. The Attorney General shall make a designation of the agency or agencies described in the preceding sentence not later than 180 days after the date of the enactment of this subsection. A person who fails to make a report required under this section shall be fined not more than \$100,000. A term used in this section has the same meaning given that term when used in section 226(a) of the Crime Control Act of 1990 (42 U.S.C. 13031(a)).

(b) EXCEPTION TO PROHIBITION ON DISCLOSURE.—Section 2702(b)(6) of title 18, United States Code, is amended to read as follows:

“(6) to a law enforcement agency—

“(A) if such contents—

“(i) were inadvertently obtained by the service provider; and

“(ii) appear to pertain to the commission of a crime; or

“(B) if required by section 113 of the Child Protection and Sexual Predator Punishment Act of 1998.”.

(c) CIVIL LIABILITY.—No provider or user of an electronic communication service or a remote computing serv-

1 ice to the public shall be held liable on account of any  
 2 action taken in good faith to comply with this section.

3 (d) LIMITATION OF INFORMATION OR MATERIAL RE-  
 4 QUIRED IN REPORT.—A report under this section may in-  
 5 clude information or material developed by an electronic  
 6 communication service or remote computing service, but  
 7 the Federal Government may not require an electronic  
 8 communication service or remote computing service to in-  
 9 clude such information or material in that report.

## 10 **TITLE II—PUNISHING SEXUAL** 11 **PREDATORS**

### 12 **SEC. 201. SENTENCING ENHANCEMENT IN SECTION 2423** 13 **CASES.**

14 (a) IN GENERAL.—Pursuant to its authority under  
 15 section 994(p) of title 28, United States Code, the United  
 16 States Sentencing Commission shall review and amend the  
 17 sentencing guidelines to provide a sentencing enhancement  
 18 for any offense listed in section 2423 of title 18, United  
 19 States Code.

20 (b) INSTRUCTION TO COMMISSION.—The Sentencing  
 21 Commission shall ensure that the sentences, guidelines,  
 22 and policy statements for offenders convicted of offenses  
 23 described in subsection (a) are appropriately severe and  
 24 reasonably consistent with other relevant directives and  
 25 with other guidelines.

1 **SEC. 202. INCREASED PENALTIES FOR TRANSPORTATION**  
2 **OF MINORS OR ASSUMED MINORS FOR ILLE-**  
3 **GAL SEXUAL ACTIVITY AND RELATED**  
4 **CRIMES.**

5 Section 2423 of title 18, United States Code, is  
6 amended to read as follows:

7 **“§ 2423. Transportation of minors and assumed**  
8 **minors**

9 “(a) TRANSPORTATION WITH INTENT TO ENGAGE  
10 IN CRIMINAL SEXUAL ACTIVITY.—A person who know-  
11 ingly—

12 “(1) transports an individual who has not  
13 attained the age of 18 years; or

14 “(2) transports an individual who has been rep-  
15 resented to the person doing that transportation as  
16 not having attained the age of 18 years,

17 in interstate or foreign commerce, or in any Territory or  
18 Possession of the United States, with intent that the indi-  
19 vidual engage in prostitution, or in any sexual activity for  
20 which any person can be charged with a criminal offense,  
21 shall be fined under this title or imprisoned not more than  
22 15 years, or both.

23 “(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL  
24 ACT WITH A JUVENILE.—A person who travels in inter-  
25 state commerce, or conspires to do so, or a United States  
26 citizen or an alien admitted for permanent residence in

1 the United States who travels in foreign commerce, or con-  
 2 spires to do so, for the purpose of engaging in any sexual  
 3 activity, with another person who has not attained the age  
 4 of 18 years or who has been represented to the traveler  
 5 or conspirator as not having attained the age of 18 years,  
 6 for which any person can be charged with a criminal of-  
 7 fense, shall be fined under this title, imprisoned not more  
 8 than 15 years, or both.”.

9 **SEC. 203. INCREASED PENALTIES FOR ABUSIVE SEXUAL**  
 10 **CONTACT.**

11 Section 2244 of title 18, United States Code, is  
 12 amended by adding at the end the following:

13 “(c) OFFENSES INVOLVING YOUNG CHILDREN.—If  
 14 the sexual contact that violates this section is with an indi-  
 15 vidual who has not attained the age of 12 years, the maxi-  
 16 mum term of imprisonment that may be imposed for the  
 17 offense shall be twice that otherwise provided in this sec-  
 18 tion.”.

19 **SEC. 204. PUNISHMENT FOR REPEAT OFFENDERS.**

20 Section 2241 of title 18, United States Code, is  
 21 amended by inserting after subsection (d) the following:

22 “(e) PUNISHMENT FOR REPEAT OFFENDERS.—(1)  
 23 Whoever has twice previously been convicted of a serious  
 24 State or Federal sex crime and who—

25 “(A) violates this section; or

1           “(B) in a circumstance described in paragraph  
2           (2) of this subsection, engages in conduct that would  
3           have violated this section if the conduct had oc-  
4           curred in the special maritime and territorial juris-  
5           diction of the United States,  
6           shall be imprisoned for life.

7           “(2) The circumstance referred to in paragraph (1)  
8           of this subsection is that—

9           “(A) the person engaging in such conduct trav-  
10          eled in interstate or foreign commerce or used the  
11          mail or any facility or means of interstate or foreign  
12          commerce in furtherance of the offense; or

13          “(B) such conduct occurs in or affects inter-  
14          state or foreign commerce and would have violated  
15          this section if the conduct had occurred in the spe-  
16          cial maritime and territorial jurisdiction of the  
17          United States.

18          “(f) SERIOUS STATE OR FEDERAL SEX CRIME.—For  
19          the purposes of subsections (e) and (f), the term serious  
20          State or Federal sex crime means a State or Federal  
21          offense for conduct which—

22          “(1) is an offense under this section or section  
23          2242 of this title; or

24          “(2) would have been an offense under either of  
25          such sections if the offense had occurred in the spe-

1 cial maritime or territorial jurisdiction of the United  
2 States.”.

3 **SEC. 205. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.**

4 Section 2247 of title 18, United States Code, is  
5 amended to read as follows:

6 **“§ 2247. Repeat offenders**

7 “(a) The maximum term of imprisonment for a viola-  
8 tion of this chapter after a prior sex offense conviction  
9 shall be twice the term otherwise provided by this chapter.

10 “(b) As used in this section, the term ‘prior sex of-  
11 fense conviction’ has the meaning given that term in sec-  
12 tion 2425.”.

13 **SEC. 206. CIVIL REMEDY FOR PERSONAL INJURIES**  
14 **RESULTING FROM CERTAIN SEX CRIMES**  
15 **AGAINST CHILDREN.**

16 Section 2255(a) of title 18, United States Code, is  
17 amended by striking “2251 or 2252” and inserting  
18 “2241(c), 2243, 2251, 2252, 2421, 2422, or 2423”.

19 **SEC. 207. ELIMINATION OF REDUNDANCY AND AMBIGU-**  
20 **ITIES.**

21 (a) REDUNDANCY.—Section 2243(a) of title 18,  
22 United States Code, is amended by striking “crosses a  
23 State line with intent to engage in a sexual act with a  
24 person who has not attained the age of 12 years, or”.

1 (b) MAKING CONSISTENT LANGUAGE ON AGE DIFFERENTIAL.—Section 2241(c) of title 18, United States  
2 Code, is amended by striking “younger than that person”  
3 and inserting “younger than the person so engaging”.

5 (c) DEFINITION OF STATE.—Section 2246 of title 18,  
6 United States Code, is amended—

7 (1) in paragraph (5), by striking the period and  
8 inserting a semicolon; and

9 (2) by adding a new paragraph as follows:

10 “(6) the term ‘State’ means a State of the  
11 United States, the District of Columbia, and any  
12 commonwealth, possession, or territory of the United  
13 States.”.

14 **SEC. 208. DEATH OR LIFE IN PRISON FOR CERTAIN**  
15 **OFFENSES WHOSE VICTIMS ARE CHILDREN.**

16 Section 3559 of title 18, United States Code, is  
17 amended by adding at the end the following:

18 “(d) DEATH OR IMPRISONMENT FOR CRIMES  
19 AGAINST CHILDREN.—Notwithstanding any other provi-  
20 sion of law, a person who is convicted of a Federal offense  
21 that is a serious violent felony (as defined in subsection  
22 (c)) or a violation of section 2251 shall, unless the sen-  
23 tence of death is imposed, be sentenced to imprisonment  
24 for life, if the victim of the offense is under 14 years of  
25 age, the victim dies as a result of the offense, and the

1 defendant, in the course of the offense, engages in conduct  
2 described in section 3591(a)(2).”.

3 **TITLE III—FEDERAL INVESTIGA-**  
4 **TIONS OF SEX CRIMES**  
5 **AGAINST CHILDREN AND**  
6 **SERIAL KILLERS**

7 **SEC. 301. ADMINISTRATIVE SUBPOENAS.**

8 (a) IN GENERAL.—Chapter 203 of title 18, United  
9 States Code, is amended by adding at the end the follow-  
10 ing:

11 **“§ 3064. Administrative subpoenas**

12 “(a) AUTHORIZATION OF USE.—In an investigation  
13 of an alleged violation of section 2241(c), 2243, 2421,  
14 2422, or 2423 of this title where a victim is an individual  
15 who has not attained the age of 18 years, the Attorney  
16 General may subpoena witnesses, compel the production  
17 of any records (including books, papers, documents, elec-  
18 tronic data, and other tangible things which constitute or  
19 contain evidence) which the Attorney General finds rel-  
20 evant or material to the investigation. The attendance of  
21 witnesses and the production of records may be required  
22 from any place in any State or in any territory or other  
23 place subject to the jurisdiction of the United States at  
24 any designated place of hearing, except that a witness  
25 shall not be required to appear at any hearing more than

1 500 miles distant from the place where the witness was  
2 served with a subpoena. Witnesses summoned under this  
3 section shall be paid the same fees and commissions that  
4 are paid witnesses in the courts of the United States.

5 “(b) SERVICE.—A subpoena issued under this section  
6 may be served by any person designated in the subpoena  
7 to serve it. Service upon a natural person may be made  
8 by personal delivery of the subpoena to that person or by  
9 certified mail with return receipt requested. Service may  
10 be made upon a domestic or foreign corporation or upon  
11 a partnership or other unincorporated association which  
12 is subject to suit under a common name, by delivering the  
13 subpoena to an officer, to a managing or general agent,  
14 or any other agent authorized by appointment or by law  
15 to receive service of process. The affidavit of the person  
16 serving the subpoena entered on a true copy thereof by  
17 the person serving it shall be proof of service.

18 “(c) ENFORCEMENT.—In the case of contumacy by  
19 or the refusal to obey a subpoena issued to any person  
20 under this section, the Attorney General may invoke the  
21 aid of any court of the United States within the jurisdic-  
22 tion of which the investigation is carried on, or of which  
23 the person is an inhabitant or in which the person carries  
24 on business or may be found, to compel compliance with  
25 the subpoena. The court may issue an order requiring the

1 subpoenaed person to appear before the Attorney General  
2 to produce records, if so ordered, or to give testimony re-  
3 garding the matter under investigation. Any failure to  
4 obey the order of the court may be punished by the court  
5 as contempt thereof. All process in any such case may be  
6 served in any judicial district in which such person may  
7 be found.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of chapter 203 of title 18, United States  
10 Code, is amended by adding at the end the following new  
11 item:

“3064. Administrative subpoenas.”.

12 **SEC. 302. KIDNAPPING.**

13 (a) 24-HOUR RULE.—Section 1201(b) of title 18,  
14 United States Code, is amended by adding at the end the  
15 following: “However, the fact that the presumption under  
16 this section has not yet taken effect does not preclude a  
17 Federal investigation of a possible violation of this section  
18 before the twenty-four hour period has ended.”.

19 (b) JURISDICTIONAL ELEMENTS.—Section 1201(a)  
20 of title 18, United States Code, is amended—

21 (1) by striking “or” at the end of paragraph  
22 (4); and

23 (2) by adding after paragraph (5) the following:

1 “(6) the mail or any facility or means of inter-  
2 state or foreign commerce is used in furtherance of  
3 the offense; or

4 “(7) the offense affects interstate or foreign  
5 commerce, or would do so if the offense were con-  
6 summated;”.

7 (c) CLARIFICATION OF ELEMENT OF OFFENSE.—  
8 Section 1201(a) of title 18, United States Code, is amend-  
9 ed by inserting “, regardless of whether such person was  
10 alive when transported across a State boundary provided  
11 the person was alive when the transportation began” be-  
12 fore the semicolon at the end of paragraph (1).

13 **SEC. 303. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.**

14 (a) IN GENERAL.—Chapter 33 of title 28, United  
15 States Code, is amended by inserting after section 537 the  
16 following:

17 **“§ 540B. Investigation of serial killings**

18 “(a) The Attorney General and the Federal Bureau  
19 of Investigation may investigate serial killings in violation  
20 of the laws of a State or political subdivision, when such  
21 investigation is requested by the head of a law enforce-  
22 ment agency with investigative or prosecutive jurisdiction  
23 over the offense.

24 “(b) For purposes of this section—

1 “(1) the term ‘serial killings’ means a series of  
 2 3 or more killings, at least one of which was commit-  
 3 ted within the United States, having common char-  
 4 acteristics such as to suggest the reasonable possibil-  
 5 ity that the crimes were committed by the same  
 6 actor or actors;

7 “(2) the term ‘killing’ means conduct that  
 8 would constitute an offense under section 1111 of  
 9 title 18, United States Code, if Federal jurisdiction  
 10 existed; and

11 “(3) the term ‘State’ means a State of the  
 12 United States, the District of Columbia, and any  
 13 commonwealth, territory, or possession of the United  
 14 States.”.

15 (b) The table of sections at the beginning of chapter  
 16 33 of title 28, United States Code, is amended by adding  
 17 at end the following new item:

“540B. Investigation of serial killings.”.

18 **SEC. 304. MORGAN P. HARDIMAN CHILD ABDUCTION**  
 19 **AND SERIAL MURDER INVESTIGATIVE RE-**  
 20 **SOURCES CENTER.**

21 (a) ESTABLISHMENT.—Not later than 90 days after  
 22 the date of the enactment of this Act, the Attorney Gen-  
 23 eral shall establish a Child Abduction and Serial Murder  
 24 Investigative Resources Center to be known as the “Mor-  
 25 gan P. Hardiman Child Abduction and Serial Murder In-

1 vestigative Resources Center” (hereinafter in this section  
2 referred to as the “CASMIRC”).

3 (b) PURPOSE.—The purpose of this section is to es-  
4 tablish a Federal Bureau of Investigation Child Abduction  
5 and Serial Murder Investigative Resources Center man-  
6 aged by the FBI’s Critical Incident Response Group’s Na-  
7 tional Center for the Analysis of Violent Crime (NCAVC)  
8 and multidisciplinary resource teams in FBI field offices  
9 to provide investigative support through the coordination  
10 and provision of Federal law enforcement resources, train-  
11 ing, and application of other multidisciplinary expertise,  
12 to assist Federal, State, and local authorities in matters  
13 involving child abductions, mysterious disappearance of  
14 children, child homicide, and serial murder across the  
15 country. The CASMIRC shall be co-located with the  
16 NCAVC.

17 (c) DUTIES OF THE CASMIRC.—The CASMIRC  
18 shall perform such duties as the Attorney General deems  
19 appropriate to carry out the purposes of the CASMIRC,  
20 including but not limited to—

21 (1) identifying, developing, researching, acquir-  
22 ing, and refining multidisciplinary information and  
23 specialities to provide for the most current expertise  
24 available to advance investigative knowledge and  
25 practices used in child abduction, mysterious dis-

1 appearance of children, child homicide, and serial  
2 murder investigations;

3 (2) providing advice and coordinating the appli-  
4 cation of current and emerging technical, forensic,  
5 and other Federal assistance to Federal, State, and  
6 local authorities in child abduction, mysterious dis-  
7 appearances of children, child homicide, and serial  
8 murder investigations;

9 (3) providing investigative support, research  
10 findings, and violent crime analysis to Federal,  
11 State, and local authorities in child abduction, mys-  
12 terious disappearances of children, child homicide,  
13 and serial murder investigations;

14 (4) providing, if requested by a Federal, State,  
15 or local law enforcement agency, on site consultation  
16 and advice in child abduction, mysterious disappear-  
17 ances of children, child homicide and serial murder  
18 investigations;

19 (5) coordinating the application of resources of  
20 pertinent Federal law enforcement agencies, and  
21 other Federal entities including, but not limited to,  
22 the United States Customs Service, the Secret Serv-  
23 ice, the Postal Inspection Service, and the United  
24 States Marshals Service, as appropriate, and with  
25 the concurrence of the agency head to support Fed-

1 eral, State, and local law enforcement involved in  
2 child abduction, mysterious disappearance of a child,  
3 child homicide, and serial murder investigations;

4 (6) conducting ongoing research related to child  
5 abductions, mysterious disappearances of children,  
6 child homicides, and serial murder, including identi-  
7 fication and investigative application of current and  
8 emerging technologies, identification of investigative  
9 searching technologies and methods for physically lo-  
10 cating abducted children, investigative use of of-  
11 fender behavioral assessment and analysis concepts,  
12 gathering statistics and information necessary for  
13 case identification, trend analysis, and case linkages  
14 to advance the investigative effectiveness of out-  
15 standing abducted children cases, develop investiga-  
16 tive systems to identify and track serious serial of-  
17 fenders that repeatedly victimize children for com-  
18 parison to unsolved cases, and other investigative re-  
19 search pertinent to child abduction, mysterious dis-  
20 appearance of a child, child homicide, and serial  
21 murder covered in this section;

22 (7) working under the Federal Bureau of Inves-  
23 tigation's NCAVC in coordination with the National  
24 Center For Missing and Exploited Children  
25 (NCMEC) and the Office of Juvenile Justice and

1 Delinquency Prevention (OJJDP) to provide appro-  
2 priate training to Federal, State, and local law en-  
3 forcement in matters regarding child abductions,  
4 mysterious disappearances of children, child homi-  
5 cides; and

6 (8) establishing a centralized repository based  
7 upon case data reflecting child abductions, mysteri-  
8 ous disappearances of children, child homicides and  
9 serial murder submitted by State and local agencies,  
10 and an automated system for the efficient collection,  
11 retrieval, analysis, and reporting of information re-  
12 garding CASMIRC investigative resources, research,  
13 and requests for and provision of investigative sup-  
14 port services.

15 (d) APPOINTMENT OF PERSONNEL TO THE  
16 CASMIRC.—

17 (1) SELECTION OF MEMBERS OF THE CASMIRC  
18 AND PARTICIPATING STATE AND LOCAL LAW EN-  
19 FORCEMENT PERSONNEL.—The Director of the Fed-  
20 eral Bureau of Investigation shall appoint the mem-  
21 bers of the CASMIRC. The CASMIRC shall be  
22 staffed with FBI personnel and other necessary per-  
23 sonnel selected for their expertise that would enable  
24 them to assist in the research, data collection, and  
25 analysis, and provision of investigative support in

1 child abduction, mysterious disappearance of chil-  
2 dren, child homicide and serial murder investiga-  
3 tions. The Director may, with concurrence of the ap-  
4 propriate State or local agency, also appoint State  
5 and local law enforcement personnel to work with  
6 the CASMIRC.

7 (2) STATUS.—Each member of the CASMIRC  
8 (and each individual from any State or local law en-  
9 forcement agency appointed to work with the  
10 CASMIRC) shall remain as an employee of that  
11 member's or individual's respective agency for all  
12 purposes (including the purpose of performance re-  
13 view), and service with the CASMIRC shall be with-  
14 out interruption or loss of civil service privilege or  
15 status and shall be on a nonreimbursable basis, ex-  
16 cept where appropriate to reimburse State and local  
17 law enforcement for overtime costs for an individual  
18 appointed to work with the resource team. Addition-  
19 ally, reimbursement of travel and per diem expenses  
20 will occur for State and local law enforcement par-  
21 ticipation in resident fellowship programs at the  
22 NCAVC when offered.

23 (3) TRAINING.—CASMIRC personnel, under  
24 the guidance of the Federal Bureau of Investiga-  
25 tion's National Center for the Analysis of Violent

1 Crime and in consultation with the NCMEC, shall  
2 develop a specialized course of instruction devoted to  
3 training members of the CASMIRC consistent with  
4 the purpose of this section. The CASMIRC shall also  
5 work with the NCMEC and OJJDP to develop a  
6 course of instruction for State and local law enforce-  
7 ment personnel to facilitate the dissemination of the  
8 most current multidisciplinary expertise in the inves-  
9 tigation of child abductions, mysterious disappear-  
10 ances of children, child homicides, and serial murder  
11 of children.

12 (e) REPORT TO CONGRESS.—One year after the es-  
13 tablishment of the CASMIRC, the Attorney General shall  
14 provide a report to Congress that describes the goals and  
15 activities of the CASMIRC. The report shall also contain  
16 information regarding the number and qualifications of  
17 the members appointed to the CASMIRC, provision for  
18 equipment, administrative support, and office space for  
19 the CASMIRC, and projected resource needs for the  
20 CASMIRC.

21 (f) AUTHORIZATION OF APPROPRIATION.—There are  
22 authorized to be appropriated to carry out this section  
23 such sums as may be necessary for fiscal year 1999 and  
24 each of the two succeeding fiscal years.

1 (g) CONFORMING REPEAL.—Subtitle C of title XVII  
2 of the Violent Crime Control and Law Enforcement Act  
3 of 1994 (42 U.S.C. 5776a et seq.) is repealed.

4 **TITLE IV—RESTRICTED ACCESS**  
5 **TO INTERACTIVE COMPUTER**  
6 **SERVICE**

7 **SEC. 401. PRISONER ACCESS.**

8 Notwithstanding any other provision of law, no agen-  
9 cy, officer, or employee of the United States shall imple-  
10 ment, or provide any financial assistance to, any Federal  
11 program or Federal activity in which a Federal prisoner  
12 is allowed access to any interactive computer service with-  
13 out the supervision of an official of the Federal Govern-  
14 ment.

15 **SEC. 402. RECOMMENDED PROHIBITION.**

16 (a) FINDINGS.—Congress finds that—

17 (1) a Minnesota State prisoner, serving 23  
18 years for molesting teenage girls, worked for a non-  
19 profit work and education program inside the prison,  
20 through which the prisoner had unsupervised access  
21 to the Internet;

22 (2) the prisoner, through his unsupervised ac-  
23 cess to the Internet, trafficked in child pornography  
24 over the Internet;

1           (3) Federal law enforcement authorities caught  
2           the prisoner with a computer disk containing 280  
3           pictures of juveniles engaged in sexually explicit con-  
4           duct;

5           (4) a jury found the prisoner guilty of conspir-  
6           ing to trade in child pornography and possessing  
7           child pornography;

8           (5) the United States District Court for the  
9           District of Minnesota sentenced the prisoner to 87  
10          months in Federal prison, to be served upon the  
11          completion of his 23-year State prison term; and

12          (6) there has been an explosion in the use of  
13          the Internet in the United States, further placing  
14          our Nation's children at risk of harm and exploi-  
15          tation at the hands of predators on the Internet and  
16          increasing the ease of trafficking in child pornog-  
17          raphy.

18          (b) SENSE OF THE CONGRESS.—Congress strongly  
19          urges State Governors, State legislators, and State prison  
20          administrators to prohibit unsupervised access to the  
21          Internet by State prisoners.

22      **SEC. 403. SURVEY.**

23          (a) SURVEY.—Not later than 6 months after the date  
24          of the enactment of this Act, the Attorney General shall  
25          conduct a survey of the States to determine to what extent

1 each State allows prisoners access to any interactive com-  
 2 puter service and whether such access is supervised by a  
 3 prison official.

4 (b) REPORT.—The Attorney General shall submit a  
 5 report to Congress of the findings of the survey conducted  
 6 pursuant to subsection (a).

7 (c) DEFINITION.—For purposes of this section, the  
 8 term “State” means each of the 50 States and the District  
 9 of Columbia.

## 10 **TITLE V—SEX OFFENDER MAN-** 11 **AGEMENT ASSISTANCE PRO-** 12 **GRAM**

### 13 **SEC. 501. GRANTS TO STATES TO OFFSET COSTS ASSOCI-** 14 **ATED WITH THE JACOB WETTERLING CRIMES** 15 **AGAINST CHILDREN AND SEXUALLY VIOLENT** 16 **OFFENDER REGISTRATION ACT.**

17 (a) IN GENERAL.—Section 170101 of the Violent  
 18 Crime Control and Law Enforcement Act of 1994 (42  
 19 U.S.C. 14071) is amended by—

20 (1) redesignating the second subsection (g) as  
 21 subsection (h); and

22 (2) adding at the end the following new sub-  
 23 section:

24 “(i) GRANTS TO STATES TO COMPLY WITH THE  
 25 WETTERLING ACT.—

1 “(1) PROGRAM AUTHORIZED.—

2 “(i) IN GENERAL.—The Director of the  
3 Bureau of Justice Assistance shall award a  
4 grant to each eligible State to offset costs di-  
5 rectly associated with complying with the Jacob  
6 Wetterling Crimes Against Children and Sexu-  
7 ally Violent Offender Registration Act. Such  
8 grant program shall be known as the “Sex Of-  
9 fender Management Assistance Program  
10 (SOMA)”.

11 “(ii) USES OF FUNDS.—Grants awarded  
12 under this subsection shall be—

13 “(I) distributed directly to the State  
14 for distribution to State and local entities;  
15 and

16 “(II) used for training, salaries,  
17 equipment, materials, and other costs di-  
18 rectly associated with complying with the  
19 Jacob Wetterling Crimes Against Children  
20 and Sexually Violent Offender Registration  
21 Act.

22 “(2) ELIGIBILITY.—

23 “(i) APPLICATION.—To be eligible to re-  
24 ceive a grant under this subsection, the chief  
25 executive of a State shall, on an annual basis,

1 submit an application to the Director of the  
2 Bureau of Justice Assistance (in such form and  
3 containing such information as the Director  
4 may reasonably require) assuring that—

5 “(I) the State complies with (or made  
6 a good faith effort to comply with) the  
7 Jacob Wetterling Crimes Against Children  
8 and Sexually Violent Offender Registration  
9 Act; and

10 “(II) where applicable, the State has  
11 penalties comparable to or greater than  
12 Federal penalties for crimes listed in such  
13 Act.

14 The Director of the Bureau of Justice Assist-  
15 ance may waive the requirement of subclause  
16 (II) if a State demonstrates an overriding need  
17 for assistance under this subsection.

18 “(ii) REGULATIONS.—

19 “(I) IN GENERAL.—Not later than 90  
20 days after the date of enactment of this  
21 subsection, the Director shall promulgate  
22 regulations to implement this subsection  
23 (including the information that must be in-  
24 cluded and the requirements that the  
25 States must meet) in submitting the appli-

1 cations required under this subsection. In  
2 allocating funds under this subsection, the  
3 Director may consider the annual number  
4 of sex offenders registered in each eligible  
5 State’s monitoring and notification pro-  
6 grams.

7 “(II) CERTAIN TRAINING PRO-  
8 GRAMS.—Prior to implementing this sub-  
9 section, the Director of the Bureau of Jus-  
10 tice Assistance shall study the feasibility of  
11 incorporating into the SOMA program the  
12 activities of any technical assistance or  
13 training program established as a result of  
14 section 40152 of the Violent Crime Control  
15 and Law Enforcement Act of 1994 (Public  
16 Law 103–322). In a case in which incor-  
17 porating such activities into the SOMA  
18 program will eliminate duplication of ef-  
19 forts or administrative costs, the Director  
20 shall take administrative actions, as allow-  
21 able, and make recommendations to Con-  
22 gress to incorporate such activities into the  
23 SOMA program prior to implementing the  
24 SOMA program.”.

(b) STUDY.—The Director of the Bureau of Justice Assistance shall conduct a study to assess the efficacy of the SOMA program and submit recommendations to Congress not later than March 1, 2000.

(c) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (i) of section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14211), \$25,000,000 for each of fiscal years 1999 and 2000.

## **TITLE VI—FACILITATING FINGERPRINT CHECKS TO PROTECT CHILDREN FROM SEXUAL PREDATORS AND VIOLENT CRIMINALS**

### **SEC. 601. SHORT TITLE.**

This title may be cited as the “Volunteers for Children Act”.

### **SEC. 602. ACCESS TO CRIMINAL FINGERPRINT BACKGROUND CHECKS.**

(a) STATE AGENCY.—Section 3(a) of the National Child Protection Act of 1993 (42 U.S.C. 5119a(a)) is amended by adding at the end the following:

“(3) In the absence of State procedures referred to in paragraph (1), youth-serving volunteer organizations and institutions may contact an authorized agency of the

1 State to request national criminal fingerprint background  
 2 checks. Entities requesting background checks under this  
 3 paragraph shall follow the guidelines in subsection (b) and  
 4 procedures, if any, for requesting national criminal finger-  
 5 print background checks established by the State in which  
 6 they are located.

7 (b) FEDERAL LAW.—Section 3(b)(5) of such Act (42  
 8 U.S.C. 5119a(b)(5)) is amended by inserting before the  
 9 period at the end the following: “, except that this para-  
 10 graph does not apply to any request by youth-serving vol-  
 11 unteer organizations and institutions for national criminal  
 12 fingerprint background checks pursuant to subsection  
 13 (a)(3)”.

14 (c) AUTHORIZATION.—Section 4(b)(2) of such Act  
 15 (42 U.S.C. 5119b(b)(2)) is amended by striking “1994,  
 16 1995, 1996, and 1997” and inserting “1999, 2000, 2001,  
 17 and 2002”.

## 18 **TITLE VII—MODEL** 19 **NOTIFICATION**

### 20 **SEC. 701. FINDINGS AND SENSE OF THE CONGRESS.**

21 (a) FINDINGS.—Congress finds the following:

22 (1) States are now required to release certain  
 23 relevant information to protect the public from sexu-  
 24 ally violent offenders.

1           (2) Many States have not established guidelines  
2       regarding the notification and release of a sexually  
3       violent offender.

4       (b) SENSE OF THE CONGRESS.—It is the sense of  
5       the Congress that each State should enact legislation  
6       based on the model notification process described in sec-  
7       tions 502 through 514.

8       **SEC. 702. ESTABLISHMENT OF ADVISORY BOARD FOR RISK**  
9                               **ASSESSMENT.**

10       (a) ESTABLISHMENT.—The State shall establish an  
11       Advisory Board for Risk Assessment (referred to in this  
12       title as the “Board”) which consists of not less than five  
13       members appointed by the Chief Executive Officer of the  
14       State.

15       (b) DUTIES.—The Board shall comply with the re-  
16       quirements and guidelines established for a State board  
17       under section 170101 of the Violent Crime Control and  
18       Law Enforcement Act of 1994 and the provisions of this  
19       title.

20       (c) MEMBERSHIP.—Each member shall, by experi-  
21       ence or training, have a personal interest or professional  
22       expertise in law enforcement, crime prevention, victim ad-  
23       vocacy, criminology, psychology, parole, public education,  
24       or community relations.

1 (d) TERM.—The term of office of each member of  
2 such Board shall be determined by the Chief Executive  
3 Officer of the State in guidelines issued pursuant to this  
4 section.

5 (e) VACANCY.—Any member chosen to fill a vacancy  
6 occurring other than by expiration of a term shall be ap-  
7 pointed for the remainder of the unexpired term.

8 (f) CHAIRPERSON.—The Chief Executive Officer of  
9 the State shall designate one of the members of the Board  
10 as chairperson to serve in such capacity at the pleasure  
11 of the Officer or until the member's term of office expires  
12 and a successor is designated in accordance with law,  
13 whichever occurs first.

14 (g) TERMINATION.—Any member of the Board may  
15 be removed by the Chief Executive Officer for cause after  
16 an opportunity to be heard.

17 (h) QUORUM.—Except as otherwise provided by law,  
18 a majority of the Board shall constitute a quorum for the  
19 transaction of all business of the Board.

20 **SEC. 703. GUIDELINES FOR TIER DETERMINATION.**

21 (a) IN GENERAL.—The Chief Executive Officer of the  
22 State or a designee shall develop guidelines and proce-  
23 dures for use by the Board to assess the risk of a repeat  
24 offense by such sex offender and the threat posed to the

1 public safety. Such guidelines shall be based upon the fol-  
2 lowing:

3 (1) Criminal history factors indicative of high  
4 risk of repeat offense, including—

5 (A) whether the sex offender has a mental  
6 abnormality;

7 (B) whether the sex offender's conduct was  
8 found to be characterized by repetitive and  
9 compulsive behavior, associated with drugs or  
10 alcohol;

11 (C) whether the sex offender served the  
12 maximum term;

13 (D) whether the sex offender committed  
14 the felony sex offense against a child; and

15 (E) the age of the sex offender at the time  
16 of the commission of the first sex offense.

17 (2) Other factors to be considered in determin-  
18 ing risk, including—

19 (A) the relationship between such sex of-  
20 fender and the victims;

21 (B) whether the offense involved the use of  
22 a weapon, violence, or infliction of serious bod-  
23 ily injury;

24 (C) the number, date, and nature of prior  
25 offenses;

1 (D) conditions of release that minimize  
2 risk of another offense, including whether the  
3 sex offender is under supervision, receiving  
4 counseling, therapy or treatment, or residing in  
5 a home situation that provides guidance and su-  
6 pervision;

7 (E) physical conditions that minimize risk  
8 of another offense, including advanced age or  
9 debilitating illness;

10 (F) whether psychological or psychiatric  
11 profiles indicate a risk of recidivism;

12 (G) the sex offender's response to treat-  
13 ment;

14 (H) recent behavior, including behavior  
15 while confined;

16 (I) recent threats or gestures against per-  
17 sons or expression of intent to commit addi-  
18 tional offenses; and

19 (J) review of any victim impact statement.

20 (b) INFORMATION TRANSFER.—

21 (1) IN GENERAL.—Notwithstanding any other  
22 provision of law, any State or local correctional facil-  
23 ity, hospital, or institution shall forward relevant in-  
24 formation pertaining to a sex offender to be dis-  
25 charged, paroled, or released to the Board for review

1 prior to the release or discharge for consideration by  
2 the Board in its recommendations. Information shall  
3 include the commitment file, medical file, and treat-  
4 ment file pertaining to such person.

5 (2) CONFIDENTIALITY.—All confidential  
6 records provided under paragraph (1) shall remain  
7 confidential, unless otherwise ordered by a court, by  
8 the lawful custodians of the records, or by another  
9 person duly authorized to release such information.

10 **SEC. 704. BOARD RECOMMENDATIONS.**

11 The Board shall use the guidelines established pursu-  
12 ant to section 503(a) to recommend to an appropriate  
13 court of the State one of the following 3 levels of notifica-  
14 tion:

15 (1) TIER I.—If the risk of a repeat offense is  
16 low, a tier 1 designation shall be given to such sex  
17 offender. In such case the designated law enforce-  
18 ment agency having jurisdiction and the law enforce-  
19 ment agency having had jurisdiction at the time of  
20 his conviction shall be notified in accordance with  
21 section 170101(b)(4) of the Violent Crime Control  
22 and Law Enforcement Act of 1994.

23 (2) TIER II.—If the risk of a repeat offense is  
24 moderate, a tier 2 designation shall be given to such  
25 sex offender. In such case the designated law en-

1 enforcement agency having jurisdiction and the law en-  
2forcement agency having had jurisdiction at the time  
3 of conviction shall be notified and may notify any  
4 victim of the proposed release of such offender and  
5 any agency, organization, or group, serving individ-  
6 uals who have similar characteristics to the previous  
7 victim or victims of such offender. The notification  
8 may include the approximate address (by ZIP Code),  
9 background information relating to the crime, type  
10 of victim targeted, conviction, including release of a  
11 photograph of the offender, and any special condi-  
12 tions imposed on the offender.

13 (3) TIER III.—If the risk of a repeat offense is  
14 high and there exists a threat to the public safety,  
15 a tier 3 designation shall be given to such offender.  
16 In such case, the appropriate law enforcement agen-  
17 cies shall be notified of such an offender's release  
18 and may use the notification procedures described in  
19 paragraph (2), except that a precise address may be  
20 released and any relevant information necessary to  
21 protect the public concerning a specific person re-  
22 quired to register under section 170101 of the Vio-  
23 lent Crime Control and Law Enforcement Act of  
24 1994 shall be released.

1 **SEC. 705. JUDICIAL DETERMINATION.**

2 (a) NOTIFICATION LEVEL.—

3 (1) IN GENERAL.—An appropriate court of the  
4 State also shall make a determination with respect  
5 to the level of notification, after receiving a tier rec-  
6 ommendation from the Board. In making the deter-  
7 mination, the court shall review any statement by a  
8 victim or victims and any materials submitted by the  
9 sex offender. The court shall also allow the sex of-  
10 fender to appear and be heard, and inform the sex  
11 offender of the right to have counsel appointed if  
12 necessary.

13 (2) APPEAL.—A sex offender may appeal a de-  
14 termination made by the court made under para-  
15 graph (1) in accordance with State law.

16 (3) NOTIFICATION AND REGISTRATION.—The  
17 filing of the appeal shall not stay the designated law  
18 enforcement agency's notification actions unless the  
19 court orders otherwise. Such petition, if granted,  
20 shall not relieve the petitioner of the duty to register  
21 pursuant to section 170101 of the Violent Crime  
22 Control and Law Enforcement Act of 1994 upon  
23 conviction of an offense requiring registration in the  
24 future.

1 (b) REVERSAL.—Upon the reversal of a conviction of  
2 a sexual offense, the court shall order the expungement  
3 of any records required to be kept pursuant to this title.

4 **SEC. 706. PENALTY FOR MISUSE OF REGISTRATION INFOR-**  
5 **MATION.**

6 (a) FINE.—Any person who uses information dis-  
7 closed pursuant to this title in violation of the law shall  
8 be fined under title 18, United States Code, or imprisoned  
9 for not more than 5 years, or both.

10 (b) CIVIL ACTION.—The State attorney general, a  
11 district attorney, or any person aggrieved by information  
12 disclosed in violation of the law is authorized to bring a  
13 civil action in the appropriate court requesting preventive  
14 relief, including an application for a permanent or tem-  
15 porary injunction, restraining order, or other order  
16 against the person or group of persons responsible for  
17 such action.

18 (c) ADDITIONAL REMEDIES.—The foregoing rem-  
19 edies shall be independent of any other remedies or proce-  
20 dures that may be available to an aggrieved party under  
21 other provisions of law.

22 **SEC. 707. JUVENILE OFFENDERS.**

23 (a) IN GENERAL.—A juvenile residing in a State who  
24 has been adjudicated delinquent for any sex offense or at-  
25 tempted sex offense, or who has been convicted of any sex

1 offense or attempted sex offense, or who has been acquit-  
2 ted by reason of insanity for any sex offense or attempted  
3 sex offense shall be required to comply with the registra-  
4 tion requirements established pursuant to section 170101  
5 of the Violent Crime Control and Law Enforcement Act  
6 of 1994.

7 (b) YOUTH FACILITY.—Any person who is discharged  
8 or paroled from a facility in another State that is equiva-  
9 lent to a Department of the Youth Authority to the cus-  
10 tody of such a facility because of the commission or at-  
11 tempted commission of specified sex offenses, is required  
12 to register pursuant to section 170101 of the Violent  
13 Crime Control and Law Enforcement Act of 1994.

14 **SEC. 708. OFFICIAL IMMUNITY FROM LIABILITY.**

15 (a) IMMUNITY.—No official, employee, or agency,  
16 whether public or private, shall be subject to any civil or  
17 criminal liability for damages for any discretionary deci-  
18 sion to release relevant and necessary information pursu-  
19 ant to this section, unless it is shown that such official,  
20 employee, or agency acted with gross negligence or in bad  
21 faith.

22 (b) INFORMATION RELEASE.—The immunity pro-  
23 vided under this section applies to the release of relevant  
24 information to other employees or officials or to the gen-  
25 eral public.

1 (c) FAILURE TO RELEASE INFORMATION.—Nothing  
2 in this section shall be deemed to impose any civil or crimi-  
3 nal liability upon or to give rise to a cause of action  
4 against any official, employee, or agency, whether public  
5 or private, for failing to release information as authorized  
6 in this title unless it is shown that such official, employee,  
7 or agency acted with gross negligence or in bad faith.

8 **SEC. 709. IDENTITY OF THE VICTIM.**

9 Any information identifying the victim by name, birth  
10 date, address, or relation to the registrant shall be ex-  
11 cluded from public access or dissemination.

12 **SEC. 710. GENERAL STATE REQUIREMENTS.**

13 The Chief Executive Officer of a State or designee  
14 shall establish reasonable notification requirements under  
15 this title, including notification to an offender of any pro-  
16 cedures for which the offender is required or is permitted  
17 to participate, including the hearing process, appeal  
18 rights, and submission of information to the Board.

19 **SEC. 711. ADVISORY COUNCIL FOR COMMUNITY EDU-**  
20 **CATION.**

21 (a) IN GENERAL.—The Chief Executive Officer of a  
22 State shall appoint a voluntary advisory council to design  
23 a policy to assist communities in which a sex offender re-  
24 sides to plan and prepare for such a resident.

1 (b) COMPOSITION.—Each such advisory council shall  
2 include representation from—

- 3 (1) law enforcement;
- 4 (2) law enforcement organizations;
- 5 (3) local corrections agencies;
- 6 (4) victims groups; and
- 7 (5) other interested members of the public.

8 (c) DUTIES.—In developing a policy pursuant to sub-  
9 section (a), an advisory council should make recommenda-  
10 tions that include—

- 11 (1) the method of distributing community noti-  
12 fication information;
- 13 (2) methods of educating community residents  
14 at public meetings on how they can use such infor-  
15 mation to enhance their safety and the safety of  
16 their family;
- 17 (3) procedures for ensuring that community  
18 members are educated regarding the right of the sex  
19 offender not to be subjected to harassment or crimi-  
20 nal acts; and
- 21 (4) other matters the council considers nec-  
22 essary to ensure the effective and fair administration  
23 of the community notification law.

1 **SEC. 712. EXPUNGEMENT OF OUTDATED INFORMATION.**

2 In accordance with section 170101 of the Violent  
3 Crime Control and Law Enforcement Act of 1994, the de-  
4 partment required to coordinate the sex offender registra-  
5 tion program shall compile and update information re-  
6 garding the offenders. Any offender whose duty to register  
7 has expired or who has been relieved of the duty to register  
8 shall be removed from any public database.

9 **SEC. 713. EXCEPTIONAL CIRCUMSTANCES.**

10 Nothing in this title shall be construed to prevent law  
11 enforcement officers from notifying members of the public  
12 of individuals that pose a danger under circumstances that  
13 are not described in section 170101 of the Violent Crime  
14 Control and Law Enforcement Act of 1994 or under this  
15 title.

16 **SEC. 714. DEFINITIONS.**

17 For purposes of this title:

18 (1) The term “criminal offense against a victim  
19 who is a minor” means any criminal offense that  
20 consists of—

21 (A) kidnapping of a minor, except by a  
22 parent;

23 (B) false imprisonment of a minor, except  
24 by a parent;

25 (C) criminal sexual conduct toward a  
26 minor;

1 (D) solicitation of a minor to engage in  
2 sexual conduct;

3 (E) use of a minor in a sexual perform-  
4 ance;

5 (F) solicitation of a minor to practice pros-  
6 titution;

7 (G) any conduct that by its nature is a  
8 sexual offense against a minor; and

9 (H) an attempt to commit an offense de-  
10 scribed in any of subparagraphs (A) through  
11 (H) if the State—

12 (i) makes such an attempt a criminal  
13 offense; or

14 (ii) chooses to include such an offense  
15 in those which are criminal offenses  
16 against a victim who is a minor for pur-  
17 poses of this section.

18 For purposes of this paragraph, conduct which is  
19 criminal only because of the age of the victim shall  
20 not be considered a criminal offense if the perpetra-  
21 tor is 18 years of age or younger.

22 (2) The term “sexually violent offense” means  
23 any criminal offense that consists of aggravated sex-  
24 ual abuse or sexual abuse (as described in sections  
25 2241 and 2242 of title 18, United States Code, or

1 as described in the State criminal code) or an of-  
2 fense that has as its elements engaging in physical  
3 contact with another person with intent to commit  
4 aggravated sexual abuse or sexual abuse (as de-  
5 scribed in such sections of title 18, United States  
6 Code, or as described in the State criminal code).

7 (3) The term “mental abnormality” means a  
8 congenital or acquired condition of a person that af-  
9 fects the emotional or volitional capacity of the per-  
10 son in a manner that predisposes that person to the  
11 commission of criminal sexual acts to a degree that  
12 makes the person a menace to the health and safety  
13 of other persons.

14 (4) The term “predatory” means an act di-  
15 rected at a stranger, or a person with whom a rela-  
16 tionship has been established or promoted for the  
17 primary purpose of victimization.

18 Any offense committed in another State, which if commit-  
19 ted in the State at issue would be one of the above enu-  
20 merated offenses, is considered a sexual offense for the  
21 purposes of this title.

22 (5) The term “juvenile” has the meaning given  
23 such term under State law.

1 **TITLE VIII—CHILD HOSTAGE-**  
2 **TAKING TO EVADE ARREST**  
3 **OR OBSTRUCT JUSTICE**

4 **SEC. 801. CHILD HOSTAGE-TAKING TO EVADE ARREST OR**  
5 **OBSTRUCT JUSTICE.**

6 (a) IN GENERAL.—Chapter 55 of title 18, United  
7 States Code, is amended by adding at the end the follow-  
8 ing new section:

9 **“§ 1205. Child hostage-taking to evade arrest or ob-**  
10 **struct justice**

11 “(a) IN GENERAL.—Whoever uses force or threatens  
12 to use force against any officer or agency of the Federal  
13 Government, and seizes or detains, or continues to detain,  
14 a child in order to—

15 “(1) obstruct, resist, or oppose any officer of  
16 the United States, or other person duly authorized,  
17 in serving, or attempting to serve or execute, any  
18 legal or judicial writ, process, or warrant of any  
19 court of the United States; or

20 “(2) compel any department or agency of the  
21 Federal Government to do or to abstain from doing  
22 any act,

23 or attempts to do so, shall be punished in accordance with  
24 subsection (b).

1 “(b) SENTENCING.—Any person who violates sub-  
2 section (a)—

3 “(1) shall be imprisoned not less than 10 years  
4 and not more than 25 years;

5 “(2) if injury results to the child as a result of  
6 the violation, shall be imprisoned not less than 20  
7 years and not more than 35 years; and

8 “(3) if death results to the child as a result of  
9 the violation, shall be subject to the penalty of death  
10 or be imprisoned for life.

11 “(c) DEFINITION.—For purposes of this section, the  
12 term ‘child’ means an individual who has not attained the  
13 age of 18 years.”.

14 (b) CLERICAL AMENDMENT.—The table of sections  
15 for chapter 55 of title 18, United States Code, is amended  
16 by adding at the end the following new item:

“1205. Child hostage-taking to evade arrest or obstruct justice.”.

17 **TITLE IX—CONTINUING THE**  
18 **COMMITMENT OF THE VIO-**  
19 **LENCE AGAINST WOMEN ACT**  
20 **Subtitle A—Law Enforcement and**  
21 **Prosecution Grants To Combat**  
22 **Violence Against Women**

23 **SEC. 901. PURPOSE OF THE PROGRAM AND GRANTS.**

24 (a) GENERAL PROGRAM PURPOSE.—The purpose of  
25 this subtitle is to assist States, Indian tribal governments,

1 and units of local government to develop and strengthen  
2 effective law enforcement and prosecution strategies to  
3 combat violent crimes against women.

4 (b) PURPOSES FOR WHICH GRANTS MAY BE  
5 USED.—Grants under this subtitle shall provide person-  
6 nel, training, technical assistance, data collection and  
7 other equipment for the more widespread apprehension,  
8 prosecution, and adjudication of persons committing vio-  
9 lent crimes against women, and specifically, for the pur-  
10 poses of—

11 (1) training law enforcement officers and pros-  
12 ecutors to more effectively identify and respond to  
13 violent crimes against women, including the crimes  
14 of sexual assault and domestic violence;

15 (2) developing, training, or expanding units of  
16 law enforcement officers and prosecutors specifically  
17 targeting violent crimes against women, including  
18 the crimes of sexual assault and domestic violence;

19 (3) developing and implementing more effective  
20 police and prosecution policies, protocols, orders, and  
21 services specifically devoted to preventing, identify-  
22 ing, and responding to violent crimes against  
23 women, including the crimes of sexual assault and  
24 domestic violence;

1           (4) developing, installing, or expanding data  
2       collection and communication systems, including  
3       computerized systems, linking police, prosecutors,  
4       and courts or for the purpose of identifying and  
5       tracking arrests, protection orders, violations of pro-  
6       tection orders, prosecutions, and convictions for vio-  
7       lent crimes against women, including the crimes of  
8       sexual assault and domestic violence;

9           (5) developing, enlarging, or strengthening pro-  
10      grams addressing stalking;

11          (6) developing, enlarging, or strengthening pro-  
12      grams addressing the needs and circumstances of  
13      Indian tribes in dealing with violent crimes against  
14      women, including the crimes of sexual assault and  
15      domestic violence; and

16          (7) developing, enlarging, or strengthening  
17      State court programs, including training for State,  
18      local, and tribal judges and court personnel, address-  
19      ing violent crimes against women, including sexual  
20      assault, domestic violence, and stalking.

21 **SEC. 902. STATE GRANTS.**

22          (a) GENERAL GRANTS.—The Attorney General may  
23      make grants to States, for use by States, units of local  
24      government, and Indian tribal governments for the pur-  
25      poses described in section 501(b).

1 (b) AMOUNTS.—Of the amounts appropriated for the  
2 purposes of this subtitle—

3 (1) 4 percent shall be available for grants to In-  
4 dian tribal governments;

5 (2) \$500,000 shall be available for grants to  
6 applicants in each State; and

7 (3) the remaining funds shall be available for  
8 grants to applicants in each State in an amount that  
9 bears the same ratio to the amount of remaining  
10 funds as the population of the State bears to the  
11 population of all of the States that results from a  
12 distribution among the States on the basis of each  
13 State's population in relation to the population of all  
14 States (not including populations of Indian tribes).

15 (c) QUALIFICATION.—Upon satisfying the terms of  
16 subsection (d), any State shall be qualified for funds pro-  
17 vided under this subtitle upon certification that—

18 (1) the funds shall be used for any of the pur-  
19 poses described in section 501(b);

20 (2) grantees and subgrantees shall develop a  
21 plan for implementation and shall consult and co-  
22 ordinate with nonprofit, nongovernmental victim  
23 services programs, including sexual assault and do-  
24 mestic violence victim services programs;

1           (3) up to 30 percent shall be allocated to law  
2           enforcement, up to 30 percent to prosecution grants,  
3           and at least 10 percent to State court systems; and

4           (4) any Federal funds received under this sub-  
5           title shall be used to supplement, not supplant, non-  
6           Federal funds that would otherwise be available for  
7           activities funded under this subtitle.

8           (d) APPLICATION REQUIREMENTS.—Each applica-  
9           tion shall include the certifications of qualification re-  
10          quired by subsection (c). An application shall include—

11          (1) documentation from the prosecution and  
12          law enforcement programs to be assisted, dem-  
13          onstrating—

14                  (A) need for the grant funds;

15                  (B) intended use of the grant funds;

16                  (C) expected results from the use of grant  
17          funds; and

18                  (D) demographic characteristics of the  
19          populations to be served, including age, marital  
20          status, disability, race, ethnicity, and language  
21          background;

22          (2) proof of compliance with the requirements  
23          for the payment of forensic medical exams provided  
24          in section 505; and

1           (3) proof of compliance with the requirements  
2           for paying filing and service fees for domestic vio-  
3           lence cases provided in section 506.

4           (e) DISBURSEMENT.—

5           (1) IN GENERAL.—Not later than 60 days after  
6           the receipt of an application under this subtitle, the  
7           Attorney General shall—

8                   (A) disburse the appropriate sums pro-  
9                   vided for under this subtitle; or

10                   (B) inform the applicant why the applica-  
11                   tion does not conform to the requirements of  
12                   this section.

13           (2) REGULATIONS.—In disbursing monies  
14           under this subtitle, the Attorney General shall issue  
15           regulations to ensure that States will—

16                   (A) give priority to areas of varying geo-  
17                   graphic size with the greatest showing of need  
18                   based on the availability of existing domestic vi-  
19                   olence and sexual assault programs in the popu-  
20                   lation and geographic area to be served in rela-  
21                   tion to the availability of such programs in  
22                   other such populations and geographic areas;

23                   (B) determine the amount of subgrants  
24                   based on the population and geographic area to  
25                   be served;

1           (C) equitably distribute monies on a geo-  
2           graphic basis including nonurban and rural  
3           areas of various geographic sizes;

4           (D) recognize and address the needs of un-  
5           derserved populations; and

6           (E)(i) if, at the end of the 9th month of  
7           any fiscal year for which funds are appropriated  
8           under section 507, the amounts made available  
9           are unspent or unobligated, such unspent or un-  
10          obligated funds shall be reallocated to the cur-  
11          rent fiscal year recipients in the victim services  
12          area pursuant to section 502(c)(3)) propor-  
13          tionate to their original allotment for the cur-  
14          rent fiscal year; and

15          (ii) for the first 2 fiscal years following the  
16          effective date of this Act, the Attorney General  
17          may waive the qualification requirements of sec-  
18          tion 502(c), at the request of the State and  
19          with the support of law enforcement and pros-  
20          ecution grantees currently funded under this  
21          section, if the reallocation of funds among law  
22          enforcement, prosecution, victims' services, and  
23          State court systems mandated by this subtitle  
24          adversely impacts victims of sexual assault, do-  
25          mestic violence, and stalking, due to the reduc-

1           tion of funds to programs and services funded  
2           under this section in the prior fiscal year.

3           (f) FEDERAL SHARE.—The Federal share of a grant  
4 made under this subtitle may not exceed 75 percent of  
5 the total costs of the projects described in the application  
6 submitted.

7           (g) INDIAN TRIBES.—Funds appropriated by the  
8 Congress for the activities of any agency of an Indian trib-  
9 al government or of the Bureau of Indian Affairs perform-  
10 ing law enforcement functions on any Indian lands may  
11 be used to provide the non-Federal share of the cost of  
12 programs or projects funded under this subtitle.

13          (h) GRANTEE REPORTING.—

14           (1) IN GENERAL.—Upon completion of the  
15 grant period under this subtitle, a State or Indian  
16 tribal grantee shall file a performance report with  
17 the Attorney General explaining the activities carried  
18 out, which report shall include an assessment of the  
19 effectiveness of those activities in achieving the pur-  
20 poses of this subtitle.

21           (2) CERTIFICATION BY GRANTEE AND SUB-  
22 GRANTEES.—A section of the performance report  
23 shall be completed by each grantee and subgrantee  
24 that performed the direct services contemplated in

1 the application, certifying performance of direct  
2 services under the grant.

3 (3) SUSPENSION OF FUNDING.—The Attorney  
4 General shall suspend funding for an approved ap-  
5 plication if—

6 (A) an applicant fails to submit an annual  
7 performance report;

8 (B) funds are expended for purposes other  
9 than those described in this subtitle; or

10 (C) a report under paragraph (1) or ac-  
11 companying assessments demonstrate to the At-  
12 torney General that the program is ineffective  
13 or financially unsound.

14 (D) for failure to provide documentation,  
15 including memoranda of understanding, con-  
16 tract, or other document of any collaborative ef-  
17 forts with other agencies or organizations.

18 **SEC. 903. DEFINITIONS.**

19 In this subtitle—

20 (1) the term “domestic violence” includes felony  
21 or misdemeanor crimes of violence committed by a  
22 current or former spouse of the victim, by a person  
23 with whom the victim shares a child in common, by  
24 a person who is cohabitating with or has cohabitated  
25 with the victim as a spouse, by a person similarly

1       situated to a spouse of the victim under the domestic  
2       or family violence laws of the jurisdiction receiving  
3       grant monies, or by any other adult person against  
4       a victim who is protected from that person's acts  
5       under the domestic or family violence laws of the ju-  
6       risdiction receiving grant monies;

7               (2) the term "Indian country" has the meaning  
8       stated in section 1151 of title 18, United States  
9       Code;

10              (3) the term "Indian tribe" means a tribe,  
11       band, pueblo, nation, or other organized group or  
12       community of Indians, including any Alaska Native  
13       village or regional or village corporation (as defined  
14       in, or established pursuant to, the Alaska Native  
15       Claims Settlement Act (43 U.S.C. 1601 et seq.)),  
16       that is recognized as eligible for the special pro-  
17       grams and services provided by the United States to  
18       Indians because of their status as Indians;

19              (4) the term "law enforcement" means a public  
20       agency charged with policing functions, including  
21       any of its component bureaus (such as governmental  
22       victim services programs);

23              (5) the term "prosecution" means any public  
24       agency charged with direct responsibility for pros-  
25       ecuting criminal offenders, including such agency's

1 component bureaus (such as governmental victim  
2 services programs);

3 (6) the term “sexual assault” means any con-  
4 duct proscribed by chapter 109A of title 18, United  
5 States Code, whether or not the conduct occurs in  
6 the special maritime and territorial jurisdiction of  
7 the United States or in a Federal prison and in-  
8 cludes both assaults committed by offenders who are  
9 strangers to the victim and assaults committed by  
10 offenders who are known or related by blood or mar-  
11 riage to the victim; and

12 (7) the term “underserved populations” in-  
13 cludes populations underserved because of geo-  
14 graphic location (such as rural isolation), under-  
15 served racial or ethnic populations, and populations  
16 underserved because of special needs, such as lan-  
17 guage barriers or physical disabilities.

18 **SEC. 904. GENERAL TERMS AND CONDITIONS.**

19 (a) NONMONETARY ASSISTANCE.—In addition to the  
20 assistance provided under this subtitle, the Attorney Gen-  
21 eral may request any Federal agency to use its authorities  
22 and the resources granted to it under Federal law (includ-  
23 ing personnel, equipment, supplies, facilities, and manage-  
24 rial, technical, and advisory services) in support of State,  
25 tribal, and local assistance efforts.

1 (b) REPORTING.—Not later than 180 days after the  
2 end of each fiscal year for which grants are made under  
3 this subtitle, the Attorney General shall submit to the  
4 Committee on the Judiciary of the House of Representa-  
5 tives and the Committee on the Judiciary of the Senate  
6 a report that includes, for each State and for each grantee  
7 Indian tribe—

8 (1) the number of grants made and funds dis-  
9 tributed under this subtitle;

10 (2) a summary of the purposes for which those  
11 grants were provided and an evaluation of their  
12 progress;

13 (3) a statistical summary of persons served, de-  
14 tailing the nature of victimization, and providing  
15 data on age, sex, relationship of victim to offender,  
16 geographic distribution, race, ethnicity, language,  
17 and disability; and

18 (4) an evaluation of the effectiveness of pro-  
19 grams funded under this subtitle.

20 (c) REGULATIONS OR GUIDELINES.—Not later than  
21 120 days after the date of enactment of this subtitle, the  
22 Attorney General shall publish proposed regulations or  
23 guidelines implementing this subtitle. Not later than 180  
24 days after the date of enactment, the Attorney General

1 shall publish final regulations or guidelines implementing  
2 this subtitle.

3 **SEC. 905. RAPE EXAM PAYMENTS.**

4 (a) RESTRICTION OF FUNDS.—

5 (1) IN GENERAL.—A State, Indian tribal gov-  
6 ernment, or unit of local government, shall not be  
7 entitled to funds under this subtitle unless the State,  
8 Indian tribal government, unit of local government,  
9 or another governmental entity incurs the full out-  
10 of-pocket cost of forensic medical exams described in  
11 subsection (b) for victims of sexual assault.

12 (2) REDISTRIBUTION.—Funds withheld from a  
13 State or unit of local government under paragraph  
14 (1) shall be distributed to other States or units of  
15 local government pro rata. Funds withheld from an  
16 Indian tribal government under paragraph (1) shall  
17 be distributed to other Indian tribal governments  
18 pro rata.

19 (b) MEDICAL COSTS.—A State, Indian tribal govern-  
20 ment, or unit of local government shall be deemed to incur  
21 the full out-of-pocket cost of forensic medical exams for  
22 victims of sexual assault if any government entity—

23 (1) provides such exams to victims free of  
24 charge to the victim;

1           (2) arranges for victims to obtain such exams  
2       free of charge to the victims; or

3           (3) reimburses victims for the cost of such  
4       exams if—

5           (A) the reimbursement covers the full cost  
6       of such exams, without any deductible require-  
7       ment or limit on the amount of a reimburse-  
8       ment;

9           (B) the reimbursing governmental entity  
10       permits victims to apply for reimbursement for  
11       not less than one year from the date of the  
12       exam;

13          (C) the reimbursing governmental entity  
14       provides reimbursement not later than 90 days  
15       after written notification of the victim's ex-  
16       pense; and

17          (D) the State, Indian tribal government,  
18       unit of local government, or reimbursing gov-  
19       ernmental entity provides information at the  
20       time of the exam to all victims, including vic-  
21       tims with limited or no English proficiency, re-  
22       garding how to obtain reimbursement.

23 **SEC. 906. FILING COSTS FOR CRIMINAL CHARGES.**

24       (a) IN GENERAL.—A State, Indian tribal govern-  
25       ment, or unit of local government, shall not be entitled

1 to funds under this subtitle unless the State, Indian tribal  
2 government, or unit of local government—

3           (1) certifies that its laws, policies, and practices  
4       do not require, in connection with the prosecution of  
5       any misdemeanor or felony domestic violence of-  
6       fense, that the abused bear the costs associated with  
7       the filing of criminal charges against the domestic  
8       violence offender, or the costs associated with the  
9       issuance or service of a warrant, protection order, or  
10      witness subpoena; or

11           (2) gives the Attorney General assurances that  
12      its laws, policies and practices will be in compliance  
13      with the requirements of paragraph (1) within the  
14      later of—

15                   (A) the period ending on the date on which  
16                   the next session of the State legislature ends; or

17                   (B) two years.

18       (b) REDISTRIBUTION.—Funds withheld from a State,  
19      unit of local government, or Indian tribal government  
20      under subsection (a) shall be distributed to other States,  
21      units of local government, and Indian tribal government,  
22      respectively, pro rata.

1 **SEC. 907. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated to carry out  
3 this subtitle \$185,000,000 for each of fiscal years 2001,  
4 2002, and 2003.

5       **Subtitle B—Grants to Encourage**  
6                   **Arrest Policies**

7 **SEC. 911. PROGRAM AUTHORIZED.**

8       (a) PURPOSE.—The purpose of this subtitle is to en-  
9 courage States, Indian tribal governments, and units of  
10 local government to treat domestic violence as a serious  
11 violation of criminal law.

12       (b) GRANT AUTHORITY.—The Attorney General may  
13 make grants to eligible States, Indian tribal governments,  
14 or units of local government for the following purposes:

15           (1) To implement mandatory arrest or  
16 proarrest programs and policies in police depart-  
17 ments, including mandatory arrest programs and  
18 policies for protection order violations.

19           (2) To develop policies and training in police  
20 departments to improve tracking of cases involving  
21 domestic violence.

22           (3) To centralize and coordinate police enforce-  
23 ment, prosecution, or judicial responsibility for do-  
24 mestic violence cases in groups or units of police of-  
25 ficers, prosecutors, or judges.

1           (4) To coordinate computer tracking systems to  
2       ensure communication between police, prosecutors,  
3       and both criminal and family courts.

4           (5) To educate judges in criminal and other  
5       courts about domestic violence and to improve judi-  
6       cial handling of such cases.

7       (c) ELIGIBILITY.—Eligible grantees are States, In-  
8       dian tribal governments, or units of local government  
9       that—

10           (1) certify that their laws or official policies—

11                (A) encourage or mandate arrests of do-  
12               mestic violence offenders based on probable  
13               cause that an offense has been committed; and

14                (B) encourage or mandate arrest of domes-  
15               tic violence offenders who violate the terms of  
16               a valid and outstanding protection order;

17           (2) demonstrate that their laws, policies, or  
18       practices and their training programs discourage  
19       dual arrests of offender and victim;

20           (3) certify that their laws, policies, or practices  
21       prohibit issuance of mutual restraining orders of  
22       protection except in cases where both spouses file a  
23       claim and the court makes detailed findings of fact  
24       indicating that both spouses acted primarily as ag-

1 gressors and that neither spouse acted primarily in  
2 self-defense; and

3 (4) certify that their laws, policies, or practices  
4 do not require, in connection with the prosecution of  
5 any misdemeanor or felony domestic violence of-  
6 fense, that the abused bear the costs associated with  
7 the filing of criminal charges or the service of such  
8 charges on an abuser, or that the abused bear the  
9 costs associated with the issuance or service of a  
10 warrant, protection order, or witness subpoena.

11 **SEC. 912. APPLICATIONS.**

12 (a) APPLICATION.—An eligible grantee shall submit  
13 an application to the Attorney General that—

14 (1) contains a certification by the chief execu-  
15 tive officer of the State, Indian tribal government, or  
16 local government entity that the conditions of section  
17 511(c) are met or will be met within the later of—

18 (A) the period ending on the date on which  
19 the next session of the State or Indian tribal  
20 legislature ends; or

21 (B) two years of the date of enactment of  
22 this Act;

23 (2) describes plans to further the purposes stat-  
24 ed in section 511(a);

1           (3) identifies the agency or office or groups of  
2           agencies or offices responsible for carrying out the  
3           program; and

4           (4) includes documentation from nonprofit, pri-  
5           vate sexual assault and domestic violence programs  
6           demonstrating their participation in developing the  
7           application, and identifying such programs in which  
8           such groups will be consulted for development and  
9           implementation.

10          (b) PRIORITY.—In awarding grants under this sub-  
11         title, the Attorney General shall give priority to applicants  
12         that—

13                 (1) do not currently provide for centralized han-  
14                 dling of cases involving domestic violence by police,  
15                 prosecutors, and courts; and

16                 (2) demonstrate a commitment to strong en-  
17                 forcement of laws, and prosecution of cases, involv-  
18                 ing domestic violence.

19         **SEC. 913. REPORTS.**

20                 Each grantee receiving funds under this subtitle shall  
21         submit a report to the Attorney General evaluating the  
22         effectiveness of projects developed with funds provided  
23         under this subtitle and containing such additional infor-  
24         mation as the Attorney General may prescribe.

1 **SEC. 914. REGULATIONS OR GUIDELINES.**

2 Not later than 120 days after the date of enactment  
3 of this Act, the Attorney General shall publish proposed  
4 regulations or guidelines implementing this subtitle. Not  
5 later than 180 days after the date of enactment of this  
6 Act, the Attorney General shall publish final regulations  
7 or guidelines implementing this subtitle.

8 **SEC. 915. DEFINITIONS.**

9 For purposes of this subtitle—

10 (1) the term “domestic violence” includes acts  
11 or threats of violence, not including acts of self-de-  
12 fense, committed by a current or former spouse of  
13 the victim, by a person with whom the victim shares  
14 a child in common, by a person who is cohabitating  
15 with or has cohabitated with the victim, by a person  
16 who is or has been in a continuing social relationship  
17 of a romantic or intimate nature with the victim, by  
18 a person similarly situated to a spouse of the victim  
19 under the domestic or family violence laws of the ju-  
20 risdiction, or by any other person against a victim  
21 who is protected from that person’s acts under the  
22 domestic or family violence laws of the jurisdiction;  
23 and

24 (2) the term “protection order” includes any in-  
25 junction issued for the purpose of preventing violent  
26 or threatening acts of domestic violence, including

1 temporary and final orders issued by civil or crimi-  
 2 nal courts (other than support or child custody or-  
 3 ders or provisions) whether obtained by filing an  
 4 independent action or as a pendente lite order in an-  
 5 other proceeding.

6 **SEC. 916. AUTHORIZATION OF APPROPRIATIONS.**

7 There are authorized to be appropriated to carry out  
 8 this subtitle—

- 9 (1) \$63,000,000 for fiscal year 1999;
- 10 (2) \$67,000,000 for fiscal year 2000;
- 11 (3) \$70,000,000 for fiscal year 2001;
- 12 (4) \$70,000,000 for fiscal year 2002; and
- 13 (5) \$70,000,000 for fiscal year 2003.

14 **TITLE X—LIMITING THE EF-**  
 15 **FECTS OF VIOLENCE ON**  
 16 **CHILDREN**

17 **SEC. 1001. DEFENSE TO CRIMINAL CUSTODIAL INTER-**  
 18 **FERENCE OR PARENTAL ABDUCTION**  
 19 **CHARGE.**

20 Section 1073 of title 18, United States Code, is  
 21 amended by striking “Whoever moves” and inserting “(a)  
 22 Whoever moves” and by adding at the end the following:  
 23 “(b) For any charge of parental abduction, of custo-  
 24 dial interference, or of felony criminal contempt of court  
 25 related to an underlying child custody or visitation deter-

1 mination, that would otherwise provide a basis for pros-  
2 ecution under this section, it shall be a defense to such  
3 prosecution that the individual against whom this section  
4 is invoked—

5 “(1) acted pursuant to the provisions of a court  
6 order valid when and where issued—

7 “(A) which granted the defendant legal  
8 custody or visitation rights;

9 “(B) which was obtained in compliance  
10 with section 1738A of title 28;

11 “(C) which is not inconsistent with such  
12 section or with the Uniform Child Custody Ju-  
13 risdiction Enforcement Act as promulgated by  
14 the Uniform Law Commissioners; and

15 “(D) which was in effect at the time the  
16 defendant left the State;

17 “(2) was fleeing an incident or pattern of do-  
18 mestic violence or sexual assault of the child, which  
19 had been previously reported to law enforcement au-  
20 thorities; or

21 “(3) would otherwise have a defense under the  
22 terms of the International Parental Kidnapping Pre-  
23 vention Act (18 U.S.C. 1204).

24 “(c) The Attorney General shall issue guidance to as-  
25 sist the United States Attorneys and the Federal Bureau

1 of Investigation in determining when to decline to initiate  
2 or to terminate an investigation or prosecution under sub-  
3 section (b) due to the potential availability of any de-  
4 fense.”.

5 **SEC. 1002. FULL FAITH AND CREDIT GIVEN TO CHILD CUS-**  
6 **TODY DETERMINATIONS.**

7 (a) SECTION INTENT.—Section 1738A(a) of title 28,  
8 United States Code, is amended by adding at the end the  
9 following: “This section is intended to preempt any incon-  
10 sistent State law and to apply to every proceeding in the  
11 United States or its territories that is not governed by  
12 inconsistent aspects of any treaty to which the United  
13 States Government is a signatory or has ratified that in-  
14 volves custody and visitation concerning a minor child.  
15 Any provisions of a protection order regarding the custody  
16 and visitation of a minor child, whether consensual or not,  
17 otherwise consistent with section 2265 of title 18 and with  
18 this section shall be given full faith and credit by the  
19 courts of any State where the party who sought the order  
20 seeks enforcement.”.

21 (b) DEFINITIONS.—Section 1738A(b) of such title is  
22 amended—

23 (1) by inserting after paragraph (3) the follow-  
24 ing:

1           “(4) ‘domestic violence’ includes acts or threats  
2           of violence, not including acts of self defense, com-  
3           mitted by a current or former spouse of the victim,  
4           by a person with whom the victim shares a child in  
5           common, by a person who is cohabitating with or  
6           has cohabitated with the victim, by a person who is  
7           or has been in a continuing social relationship of a  
8           romantic or intimate nature with the victim, by a  
9           person similarly situated to a spouse of the victim  
10          under the domestic or family violence laws of the ju-  
11          risdiction, or by any other person against a victim  
12          who is protected from that person’s acts under the  
13          domestic or family violence laws of the jurisdiction;

14          “(5) ‘sexual assault’ means any conduct pro-  
15          scribed by chapter 109A of title 18, United States  
16          Code, whether or not the conduct occurs in the spe-  
17          cial maritime and territorial jurisdiction of the  
18          United States or in a Federal prison and includes  
19          both assaults committed by offenders who are  
20          strangers to the victim and assaults committed by  
21          offenders who are known to the victim or related by  
22          blood or marriage to the victim;”;

23          (2) by redesignating paragraphs (4), (5), and  
24          (6) as paragraphs (6), (7), and (8), respectively;

1           (3) by redesignating paragraph (7) as para-  
2           graph (9) and by striking “and” after the semicolon;

3           (4) by inserting after paragraph (9) (as so re-  
4           designated) the following:

5           “(10) ‘predominant aggressor’ means the indi-  
6           vidual who has been determined to be the principal  
7           perpetrator of violence, by factors including—

8                   “(A) history of domestic violence;

9                   “(B) relative severity of the injuries in-  
10           flicted on each person;

11                   “(C) the likelihood of future injury to each  
12           person;

13                   “(D) whether one of the persons acted in  
14           self-defense; and

15                   “(E) the degree to which one of the per-  
16           sons has acted with more deliberate intent to  
17           control, isolate, intimidate, emotionally demean,  
18           or cause severe pain or injury, or fear of harm  
19           to the other or a third person”; and

20           (5) by redesignating paragraph (8) as para-  
21           graph (11).

22           (c) CONDITION FOR CUSTODY DETERMINATION.—  
23   Section 1738A(c)(2)(C) of such title is amended—

24           (1) by striking “he” and inserting “the child, or  
25           a sibling or parent of the child,”; and

1           (2) by inserting “, including acts of domestic vi-  
2           olence by the other parent” after “abuse”.

3           (d) JURISDICTION.—Section 1738A(d) of such title  
4 is amended by inserting before the period at the end the  
5 following: “, except that after 2 years have passed while  
6 a child is living in another State after relocation due to  
7 domestic violence or sexual assault of the child, the court  
8 of the original State shall decline jurisdiction provided  
9 that the courts of the new State would have personal juris-  
10 diction over the other parent under that State’s law”.

11          (e) CHILD CUSTODY DETERMINATIONS.—Section  
12 1738A of such title is amended by adding at the end the  
13 following:

14          “(h) A court may decline to exercise jurisdiction on  
15 behalf of a parent who has engaged in domestic violence  
16 as a predominant aggressor, if a court of another State  
17 has emergency jurisdiction under subsection (c)(2)(C)(ii).  
18 A court may decline to exercise jurisdiction on behalf of  
19 a parent who has wrongfully taken the child from a State  
20 without justification, or engaged in similar unjustifiable  
21 conduct, unless no other State would have jurisdiction  
22 under any provision of subsection (c).

1       **TITLE XI—SEXUAL ASSAULT**  
2               **PREVENTION**  
3       **Subtitle   A—Standards,   Practice,**  
4       **and Training for Sexual Assault**  
5       **Examinations**

6       **SEC. 1101. SHORT TITLE.**

7           This subtitle may be cited as the “Standards, Prac-  
8       tice, and Training for Sexual Assault Examinations Act”.

9       **SEC. 1102. STANDARDS, PRACTICE, AND TRAINING FOR SEX-**  
10               **UAL ASSAULT EXAMINATIONS.**

11       (a) IN GENERAL.—The Attorney General shall—

12               (1) evaluate existing standards of training and  
13       practice for licensed health care professionals per-  
14       forming sexual assault forensic examinations and de-  
15       velop a national recommended standard for training;

16               (2) recommend sexual assault examination  
17       training for all health care students to improve the  
18       recognition of injuries suggestive of rape and sexual  
19       assault and baseline knowledge of appropriate evi-  
20       dence collection; and

21               (3) review existing national, State, and local  
22       protocols on sexual assault for forensic examina-  
23       tions, and based on this review, develop a rec-  
24       ommended national protocol, and establish a mecha-  
25       nism for its nationwide dissemination.

1 (b) CONSULTATION.—The Attorney General shall  
 2 consult with national, State, and local experts in the area  
 3 of rape and sexual assault, including but not limited to,  
 4 rape crisis centers, State sexual assault and domestic vio-  
 5 lence coalitions and programs, criminal justice, forensic  
 6 nursing, forensic science, emergency room medicine, law,  
 7 social services, sex crimes in underserved communities as  
 8 defined in 42 U.S.C. 3796gg–2(7).

9 (c) REPORT.—The Attorney General shall ensure  
 10 that no later than 1 year after the date of enactment of  
 11 this Act, a report of the directives in subsection (a) is sub-  
 12 mitted to Congress.

13 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
 14 are authorized to be appropriated to carry out this section  
 15 \$200,000 for fiscal year 1999.

16 **Subtitle B—Prevention of Custodial Sexual Assault by Correctional Staff**  
 17  
 18

19 **SEC. 1111. SHORT TITLE.**

20 This subtitle may be cited as the “Prevention of Custodial Sexual Assault by Correctional Staff Act”.

22 **SEC. 1112. FINDINGS.**

23 Congress finds the following:

24 (1) According to an extensive 1996 report by  
 25 the Women’s Rights Project of Human Rights

1 Watch, sexual abuse of women prisoners by correc-  
2 tional officers is a serious problem in our Nation's  
3 prisons, jails, and correctional facilities.

4 (2) Custodial sexual assault of women by cor-  
5 rectional officers includes documented incidents of  
6 vaginal, oral, and anal rape.

7 (3) Because correctional officers wield near ab-  
8 solute power over female prisoners, officers may  
9 abuse that power to sexually assault and abuse fe-  
10 male prisoners, as well as engage in constant grop-  
11 ing, harassment, and other abuse.

12 **SEC. 1113. ESTABLISHMENT OF PREVENTION PROGRAM.**

13 (a) PROGRAM GUIDELINES.—

14 (1) IN GENERAL.—The Attorney General shall  
15 establish guidelines for States and disseminate such  
16 information to the States regarding the prevention  
17 of custodial sexual misconduct by correctional staff.

18 (2) REQUIREMENTS.—Such guidelines shall in-  
19 clude requirements that—

20 (A) prohibit a State department of correc-  
21 tions from hiring correctional staff who have  
22 been convicted on criminal charges, or found  
23 liable in civil suits, for custodial sexual mis-  
24 conduct; and

1           (B) each State department of corrections  
2           maintain databases, including the names and  
3           identifying information of individuals who have  
4           been convicted on criminal charges or found lia-  
5           ble in civil suits for custodial sexual misconduct  
6           and to check these databases prior to hiring  
7           any correctional staff.

8           (3) NATIONAL DATABASE.—This information  
9           shall also be submitted to the Department of Justice  
10          where it will be maintained and updated on a na-  
11          tional database.

12          (b) RELEASE OF INFORMATION.—The information  
13          collected under subsection (a)(2) shall be treated as pri-  
14          vate data except that—

15               (1) such information may be disclosed to law  
16               enforcement agencies for law enforcement purposes;

17               (2) such information may be disclosed to gov-  
18               ernment agencies conducting confidential back-  
19               ground checks; and

20               (3) the designated State law enforcement agen-  
21               cy and any local law enforcement agency authorized  
22               by the State agency may release relevant informa-  
23               tion that is necessary to protect prisoners concerning  
24               a specific person whose name is included in the  
25               database, except that the identity of a victim of an

1 offense that requires information to be maintained  
2 under this section shall not be released.

3 (c) IMMUNITY FOR GOOD FAITH CONDUCT.—Law  
4 enforcement agencies, employees of law enforcement agen-  
5 cies, and State officials shall be immune from criminal or  
6 civil liability for good faith conduct in releasing informa-  
7 tion under this section.

8 (d) INELIGIBILITY FOR FUNDS.—

9 (1) IN GENERAL.—A State that fails to imple-  
10 ment the program as described under this section  
11 shall not receive 10 percent of the funds that would  
12 otherwise be allocated to the State under subtitle A  
13 of title II of the Violent Crime Control and Law En-  
14 forcement Act of 1994 (42 U.S.C. 13701).

15 (2) REALLOCATION.—Any funds that are not  
16 allocated for failure to comply with this section shall  
17 be reallocated to States that comply with this sec-  
18 tion.

19 (3) COMPLIANCE DATE.—Each State shall have  
20 not more than 3 years from the date of enactment  
21 of this Act in which to implement this section, ex-  
22 cept that the Attorney General may grant an addi-  
23 tional 2 years to a State that is making good faith  
24 efforts to implement this section.

1 **SEC. 1114. DEFINITIONS.**

2 For purposes of this subtitle—

3 (1) the term “correctional staff” means any  
 4 employee, contractual employee, volunteer, or agent  
 5 of a correctional department who is working in any  
 6 contact position with any prisoners under the juris-  
 7 diction of that department; and

8 (2) the term “custodial sexual misconduct”  
 9 means any physical contact, directly or through the  
 10 clothing, with the sexual or intimate parts of a per-  
 11 son for the purpose of sexual gratification of either  
 12 party, when the—

13 (A) parties involved are a person in cus-  
 14 tody of a correctional department and a mem-  
 15 ber of the correctional staff; or

16 (B) contact occurs under circumstances of  
 17 coercion, duress, or threat of force by a member  
 18 of the correctional staff.

19 **TITLE XII—FULL FAITH AND**  
 20 **CREDIT FOR PROTECTION**  
 21 **ORDERS**

22 **SEC. 1201. FULL FAITH AND CREDIT FOR PROTECTION**  
 23 **ORDERS.**

24 (a) Section 2265 of title 18, United States Code, is  
 25 amended by adding at the end the following:

1       “(d) FORMULA GRANT REDUCTION FOR NONCOMPLI-  
2 ANCE.—

3               “(1) REDUCTION.—The Attorney General shall  
4       reduce by 10 percent (for redistribution to other  
5       participating States that comply with subsections (a)  
6       and (b)) the amount a State would receive under  
7       subpart 1 of part E of title I of the Omnibus Crime  
8       Control and Safe Streets Act of 1968 if such State  
9       fails to comply with the requirements of subsections  
10      (a), (b), and (c).

11              “(2) EFFECTIVE DATE.—The Attorney General  
12      may begin to reduce funds described in paragraph  
13      (1) on the first day of each fiscal year succeeding  
14      the first fiscal year beginning after the date of the  
15      enactment of this subsection.

16              “(e) REGISTRATION.—Nothing in this section shall  
17      require prior filing or registration of a protection order  
18      in the enforcing State in order to secure enforcement pur-  
19      suant to subsection (a). Nothing in this section shall per-  
20      mit a State to notify the party against whom the order  
21      has been made that a protection order has been registered  
22      and/or filed in that State.”

23              “(f) NOTICE.—Nothing in this section shall require  
24      notification of the party against whom the order was made

1 in order to secure enforcement by a law enforcement offi-  
2 cer pursuant to subsection (a).”.

3 (b) DEFINITIONS.—Section 2266 of title 18, United  
4 States Code, is amended—

5 (1) by inserting “issued pursuant to State di-  
6 vorce and child custody codes” after “custody or-  
7 ders”; and

8 (2) by adding “Custody and visitation provi-  
9 sions in protection orders are subject to the man-  
10 dates of this chapter.” after “seeking protection.”.

11 (b) COMPLIANCE—FULL FAITH AND CREDIT.—  
12 Within 180 days, the Attorney General shall issue regula-  
13 tions to determine whether a State is in compliance with  
14 18 U.S.C. 2265(a), (b), and (c), taking into account the  
15 following factors:

16 (1) The State’s documented good faith efforts  
17 to ensure compliance by judicial, law enforcement,  
18 and other State officials, including the extent and  
19 nature of any training programs, outreach, and  
20 other activities.

21 (2) The degree to which any case of noncompli-  
22 ance by a State official represents an isolated inci-  
23 dent, rather than a pattern of nonenforcement.

24 (3) Any barriers to compliance presented by  
25 outdated technology, recordkeeping problems, or

1 similar issues, and the State's documented good  
2 faith efforts to removing those barriers.

3 **SEC. 1202. GRANT PROGRAM.**

4 (a) IN GENERAL.—The Attorney General may pro-  
5 vide grants to assist States, Indian tribal governments,  
6 and units of local government to develop and strengthen  
7 effective law enforcement and recordkeeping strategies to  
8 assist States, Indian tribal governments, and units of local  
9 government to enforce protective orders issued by other  
10 States, Indian tribal governments, or units of local govern-  
11 ment.

12 (b) USES OF FUNDS.—

13 (1) IN GENERAL.—Grants under this section  
14 shall provide training and enhanced technology com-  
15 patible with existing law enforcement systems in-  
16 cluding the National Crime Information Center to  
17 enforce protection orders.

18 (2) USES OF FUNDS.—Funds received under  
19 this section may be used to train law enforcement,  
20 prosecutors, court personnel, and others responsible  
21 for the enforcement of protection orders, and to de-  
22 velop, install, or expand data collection and commu-  
23 nication systems, including computerized systems,  
24 linking police, prosecutors, and courts for the pur-

1 pose of identifying and tracking protection orders  
2 and violations of protection orders and training.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to carry out this section, \$5,000,000 for  
5 each of fiscal years 1999, 2000, 2001, 2002, and 2003.

6 **TITLE XIII—FEDERAL WITNESS**  
7 **PROTECTION FOR VICTIMS**  
8 **OF DOMESTIC VIOLENCE**

9 **SEC. 1301. WITNESS PROTECTION.**

10 (a) IN GENERAL.—Section 3521(a)(1) of title 18,  
11 United States Code, is amended by inserting “or of a vic-  
12 tim of an offense set forth in chapter 110A of this title  
13 directed at victims of domestic violence,” after “other seri-  
14 ous offense,”.

15 (b) OTHER ACTIONS.—Section 3521(b)(1) of title 18,  
16 United States Code, is amended by inserting “or a victim  
17 of domestic violence,” after “potential witness,”.

18 (c) GUIDELINES.—Not later than 180 days after the  
19 date of enactment of this section, the Attorney General  
20 shall establish guidelines for determining eligibility for the  
21 Federal witness protection program of persons who are eli-  
22 gible for that program under the amendment made by sub-  
23 section (a).

1 **TITLE XIV—CIVILIAN JURISDIC-**  
 2 **TION FOR CRIMES OF SEXUAL**  
 3 **ASSAULT AND DOMESTIC VIO-**  
 4 **LENCE**

5 **SEC. 1401. CRIMINAL OFFENSES COMMITTED OUTSIDE THE**  
 6 **UNITED STATES BY PERSONS ACCOMPANY-**  
 7 **ING THE ARMED FORCES.**

8 (a) IN GENERAL.—Title 18, United States Code, is  
 9 amended by inserting after chapter 211 the following new  
 10 chapter:

11 **“CHAPTER 212—DOMESTIC VIOLENCE AND**  
 12 **SEXUAL ASSAULT OFFENSES COMMIT-**  
 13 **TED OUTSIDE THE UNITED STATES**

“Sec.

“3261. Domestic violence and sexual assault offenses committed by persons formerly serving with, or presently employed by or accompanying, the Armed Forces outside the United States.

“3262. Definitions for chapter.

14 **“§ 3261. Domestic violence and sexual assault of-**  
 15 **fenses committed by persons formerly**  
 16 **serving with, or presently employed by or**  
 17 **accompanying, the Armed Forces outside**  
 18 **the United States**

19 “(a) IN GENERAL.—Whoever, while serving with, em-  
 20 ployed by, or accompanying the Armed Forces outside of  
 21 the United States, engages in conduct that would con-  
 22 stitute a misdemeanor or felony domestic violence or sex-

1 ual assault offense, if the conduct had been engaged in  
2 within the special maritime and territorial jurisdiction of  
3 the United States, shall be subject to prosecution in the  
4 Federal District Court of the jurisdiction of origin.

5 “(b) CONCURRENT JURISDICTION.—Nothing con-  
6 tained in this chapter deprives courts-martial, military  
7 commissions, provost courts, or other military tribunals of  
8 concurrent jurisdiction with respect to offenders or of-  
9 fenses that by statute or by the law of war may be tried  
10 by courts-martial, military commissions, provost courts, or  
11 other military tribunals.

12 “(c) ACTION BY FOREIGN GOVERNMENT.—No pros-  
13 ecution may be commenced under this section if a foreign  
14 government, in accordance with jurisdiction recognized by  
15 the United States, has prosecuted or is prosecuting such  
16 person for the conduct constituting such offense, except  
17 upon the approval of the Attorney General of the United  
18 States or the Deputy Attorney General of the United  
19 States (or a person acting in either such capacity), which  
20 function of approval shall not be delegated.

21 **“§ 3262. Definitions for chapter**

22 “As used in this chapter—

23 “(1) the term ‘Armed Forces’ has the same  
24 meaning as in section 101(a)(4) of title 10;

1           “(2) a person is ‘employed by the Armed  
2       Forces outside of the United States’ if the person—

3           “(A) is employed as a civilian employee of  
4       the Department of Defense, as a Department of  
5       Defense contractor, or as an employee of a De-  
6       partment of Defense contractor;

7           “(B) is present or residing outside of the  
8       United States in connection with such employ-  
9       ment; and

10          “(C) is not a national of the host nation;  
11       and

12          “(3) a person is ‘accompanying the Armed  
13       Forces outside of the United States’ if the person—

14          “(A) is a dependent of a member of the  
15       Armed Forces;

16          “(B) is a dependent of a civilian employee  
17       of the Department of Defense;

18          “(C) is residing with the member or civil-  
19       ian employee outside of the United States; and

20          “(D) is not a national of the host nation.”.

21       (b) CLERICAL AMENDMENT.—The table of chapters  
22       at the beginning of part II of title 18, United States Code,  
23       is amended by inserting after the item relating to chapter  
24       211 the following:

**“212. Domestic Violence and Sexual Assault Offenses  
          Committed Outside the United States ..... 3261”.**

1 **TITLE XV—PREVENTING VIO-**  
2 **LENCE AGAINST WOMEN IN**  
3 **TRADITIONALLY UNDER-**  
4 **SERVED COMMUNITIES**

5 **SEC. 1501. ELDER ABUSE, NEGLECT, AND EXPLOITATION.**

6 (a) DEFINITIONS.—In this section:

7 (1) IN GENERAL.—The terms “elder abuse, ne-  
8 glect, and exploitation”, “domestic violence”, and  
9 “older individual” have the meanings given the  
10 terms in section 102 of the Older Americans Act of  
11 1965 (42 U.S.C. 3002).

12 (2) SEXUAL ASSAULT.—The term “sexual as-  
13 sault” has the meaning given the term in section  
14 2003 of the Omnibus Crime Control and Safe  
15 Streets Act of 1968 (42 U.S.C. 3796gg–2).

16 (b) CURRICULA.—The Attorney General shall develop  
17 curricula and offer, or provide for the offering of, training  
18 programs to assist law enforcement officers and prosecu-  
19 tors in recognizing, addressing, investigating, and pros-  
20 ecuting instances of elder abuse, neglect, and exploitation,  
21 including domestic violence, and sexual assault, against  
22 older individuals.

23 (c) AUTHORIZATION.—There are authorized to be ap-  
24 propriated such sums as may be necessary to carry out  
25 this subtitle.

1 **TITLE XVI—VIOLENCE AGAINST**  
2 **WOMEN TRAINING FOR**  
3 **HEALTH PROFESSIONS**

4 **SEC. 1601. SHORT TITLE.**

5 This title may be cited as the “Violence Against  
6 Women Training for Health Professions Act”.

7 **SEC. 1602. DOMESTIC VIOLENCE AND SEXUAL ASSAULT**  
8 **FORENSIC EVIDENCE.**

9 (a) IN GENERAL.—In the case of a health professions,  
10 the Attorney General shall award grants and contracts,  
11 giving preference to any such entity (if otherwise a quali-  
12 fied applicant for the award involved) that has in effect  
13 the requirement that, as a condition of receiving a degree  
14 or certificate (as applicable) from the entity, each student  
15 have had significant training developed in consultation  
16 and collaboration with national, State, and local domestic  
17 violence and sexual assault coalitions and programs in car-  
18 rying out the following functions as a provider of health  
19 care:

20 (1) Identifying victims of domestic violence and  
21 sexual assault, and maintaining complete medical  
22 records that include documentation of the examina-  
23 tion, treatment given, and referrals made, and re-  
24 cording the location and nature of the victim’s inju-  
25 ries.

1           (2) Examining and treating such victims, within  
2       the scope of the health professional's discipline,  
3       training, and practice.

4       (b) RELEVANT HEALTH PROFESSIONS ENTITIES.—  
5   For purposes of paragraph (1), a health professions entity  
6   specified in this paragraph is any entity that is a school  
7   of medicine, a school of osteopathic medicine, a graduate  
8   program in mental health practice, a school of nursing,  
9   a program for the training of physician assistants, or a  
10   program for the training of allied health professionals.

11       (c) REPORT TO CONGRESS.—Not later than 2 years  
12   after the date of the enactment of the Violence Against  
13   Women Training for Health Professions Act, the Attorney  
14   General shall submit to the House of Representatives, and  
15   the Senate, a report specifying the health professions enti-  
16   ties that are receiving grants or contracts under this sec-  
17   tion; the number of hours of training required by the enti-  
18   ties for purposes of such paragraph; the extent of clinical  
19   experience so required; and the types of courses through  
20   which the training is being provided, including the extent  
21   of involvement of nonprofit nongovernmental domestic vio-  
22   lence and sexual assault victims services programs in the  
23   training.

24       (d) DEFINITIONS.—For purposes of this section—

1           (1) the term “domestic violence” includes acts  
2           or threats of violence, not including acts of self de-  
3           fense, committed by a current or former spouse of  
4           the victim, by a person with whom the victim shares  
5           a child in common, by a person who is cohabitating  
6           with or has cohabitated with the victim, by a person  
7           who is or has been in a continuing social relationship  
8           of a romantic or intimate nature with the victim, by  
9           a person similarly situated to a spouse of the victim  
10          under the domestic or family violence laws of the ju-  
11          risdiction, or by any other person against a victim  
12          who is protected from that person’s acts under the  
13          domestic or family violence laws of the jurisdiction;  
14          and

15          (2) the term “sexual assault” means any con-  
16          duct proscribed by chapter 109A of title 18, United  
17          States Code, whether or not the conduct occurs in  
18          the special maritime and territorial jurisdiction of  
19          the United States or in a Federal prison and in-  
20          cludes both assaults committed by offenders who are  
21          strangers to the victim and assaults committed by  
22          offenders who are known to the victim or related by  
23          blood or marriage to the victim.

1 **TITLE XVII—VIOLENCE AGAINST**  
2 **WOMEN INTERVENTION, PRE-**  
3 **VENTION, AND EDUCATION**  
4 **RESEARCH**

5 **Subtitle A—Violence Against**  
6 **Women Prevention, Detection**  
7 **and Investigation Research**

8 **SEC. 1701. FINDINGS.**

9 (a) FINDINGS.—Congress finds the following:

10 (1) According to a Panel on Research on Vio-  
11 lence Against Women convened by the National Re-  
12 search Council in response to the mandates by the  
13 Violence Against Women Act of 1994—

14 (A) significant gaps exist in understanding  
15 the extent and causes of violence against women  
16 and the impact and the effectiveness of edu-  
17 cation, prevention, and interventions;

18 (B) funding for research on violence  
19 against women is spread across numerous Fed-  
20 eral agencies with no mechanism through which  
21 to coordinate these efforts or to link with other  
22 federally sponsored research initiatives; and

23 (C) research on violence against women  
24 would benefit from an infrastructure that sup-

1           ports interdisciplinary efforts and aids in inte-  
2           grating these efforts into practice and policy.

3           (2) Despite the increased funding to prevent  
4           and respond to violence against women in under-  
5           served populations, few studies have examined inci-  
6           dence and prevalence data from the perspective of  
7           racial, ethnic, language, age, disability, and other  
8           underserved populations. Moreover, little is known  
9           about the types of prevention, detection, and inves-  
10          tigation strategies that are most effective in under-  
11          served populations.

12          (3) Most studies currently focus on aspects of  
13          domestic violence related to physical abuse. Few  
14          studies explore the harm caused by emotional and  
15          psychological abuse and the appropriate prevention,  
16          detection, and investigation strategies for victims ex-  
17          periencing this form of abuse.

18          (4) Violence exposure as a risk factor for dis-  
19          ease must be examined for a range of diseases and  
20          diagnoses to better understand the correlation be-  
21          tween violence and disease including intervening  
22          variables.

23          (5) Violence against women occurs within the  
24          context of a sociocultural environment that should  
25          be studied to assist in a greater understanding of

1       those factors that promote and maintain violence  
2       against women and to provide a framework for de-  
3       veloping and assessing education, prevention, and  
4       intervention strategies.

5   **SEC. 1702. TASK FORCE.**

6       (a) PURPOSES.—The Attorney General shall estab-  
7       lish a task force to coordinate research on violence against  
8       women. The task force shall comprise representation from  
9       all Federal agencies that fund such research.

10      (b) USES OF FUNDS.—Funds appropriated under  
11      this section shall be used to—

12           (1) develop a coordinated strategy to strengthen  
13           research focussed on education, prevention, and  
14           intervention strategies on violence against women;

15           (2) track and report on all Federal research  
16           and expenditures on violence against women;

17           (3) identify gaps in research and develop cri-  
18           teria for all Federal agencies for evaluating research  
19           proposals, taking into account the context within  
20           which women live their lives, including the broad so-  
21           cial and cultural context as well as individual fac-  
22           tors; and

23           (4) set priorities for research efforts that ex-  
24           plore factors such as race, social, and economic  
25           class, geographic location, age, language, sexual ori-

1 entation, disability, and other factors that result in  
2 violent crimes against women.

3 (c) AUTHORIZATION OF APPROPRIATION.—There  
4 shall be appropriated \$500,000 for each of fiscal years  
5 1999, 2000, and 2001 to fulfill the purposes of this sec-  
6 tion.

7 **SEC. 1703. PREVENTION, DETECTION, AND INVESTIGATION**  
8 **RESEARCH GRANTS.**

9 (a) PURPOSES.—The Department of Justice shall  
10 make grants to entities, including domestic violence and  
11 sexual assault organizations, research organizations, and  
12 academic institutions, to support research to further the  
13 understanding of the causes of violent behavior against  
14 women and to evaluate prevention, detection, and inves-  
15 tigation programs.

16 (b) USE OF FUNDS.—The research conducted under  
17 this section shall include, but not be limited to the follow-  
18 ing areas and others that may be identified by the Task  
19 Force established under section 1702 of this title—

20 (1) longitudinal research to study the develop-  
21 mental trajectory of violent behavior against women  
22 and the way such violence differs from other violent  
23 behaviors;

24 (2) examination of risk factors for sexual and  
25 intimate partner violence for victims and perpetra-

1       tors, such as poverty, childhood victimization and  
2       other traumas;

3               (3) examination of short- and long-term efforts  
4       of programs designed to prevent sexual and intimate  
5       partner violence;

6               (4) outcome evaluations of interventions tar-  
7       geted at children and teenagers;

8               (5) examination of and documentation of the  
9       processes and informal strategies women experience  
10      in attempting to manage and end the violence in  
11      their lives; and

12              (6) development and testing of effective meth-  
13      ods of screening and providing services at all points  
14      of entry to the health care system, including mental  
15      health, emergency medicine, and primary care.

16      (c) AUTHORIZATION OF APPROPRIATIONS.—There  
17      are authorized to be appropriated \$6,000,000 for each of  
18      the fiscal years 1999, 2000, and 2001 to carry out this  
19      section.

20      **SEC. 1704. ADDRESSING GAPS IN RESEARCH.**

21      (a) PURPOSES.—The Department of Justice shall  
22      make grants to domestic violence and sexual assault orga-  
23      nizations, research organizations and academic institu-  
24      tions for the purpose of expanding knowledge about vio-  
25      lence against women, with a particular emphasis on ex-

1 ploring such issues as they affect underserved commu-  
2 nities.

3 (b) USES OF FUNDS.—Funds appropriated under  
4 this section shall be used to examine, but not be limited  
5 to, the following areas—

6 (1) development of national- and community-  
7 level survey studies to measure the incidence and  
8 prevalence of violence against women in underserved  
9 populations and the definitions women use to de-  
10 scribe their experience of violence;

11 (2) qualitative and quantitative research to un-  
12 derstand how factors such as race, ethnicity, socio-  
13 economic status, age, language, disability, and sex-  
14 ual orientation that result in violent crimes against  
15 women;

16 (3) study of the availability and accessibility of  
17 State and local legal remedies to victims of intimate  
18 partner violence within the context of a same sex in-  
19 timate relationship;

20 (4) the use of nonjudicial alternative dispute  
21 resolution (such as mediation, negotiation, concilia-  
22 tion, and restorative justice models) in cases where  
23 domestic violence is a factor, comparing nonjudicial  
24 alternative dispute resolution and traditional judicial  
25 methods based upon the quality of representation of

1 the victim, training of mediators or other  
2 facilitators, satisfaction of the parties, and outcome  
3 of the proceedings, as well as other factors that may  
4 be identified; and

5 (5) other such research as may be determined  
6 by the Task Force established under section 1702 in  
7 consultation with domestic violence and sexual as-  
8 sault advocates, coalitions, national experts, and re-  
9 searchers.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
11 authorized to be appropriated \$4,500,000 for each of fis-  
12 cal years 1999, 2000, and 2001 to carry out this section.

13 **SEC. 1705. STUDY.**

14 The United States Sentencing Commission shall  
15 study the following and report to the Congress—

16 (1) sentences given to persons incarcerated in  
17 Federal and State prison for assault or homicide  
18 crimes in which the relationship to the victim was a  
19 spouse, former spouse, or intimate partner;

20 (2) the effect of illicit drugs and alcohol on do-  
21 mestic violence and the sentences imposed for of-  
22 fenses involving such illicit drugs and alcohol where  
23 domestic violence occurred;

1           (3) the extent to which acts of domestic violence  
2       committed against the defendant, including coercion,  
3       may play a role in the commission of an offense;

4           (4) analysis delineated by race, gender, type of  
5       offense, and any other categories that would be use-  
6       ful for understanding the problem; and

7           (5) recommendations with respect to the of-  
8       fenses described in this section particularly any basis  
9       for a downward adjustment in any applicable guide-  
10      lines determination.

11 **SEC. 1706. STATUS REPORT ON LAWS REGARDING RAPE**  
12 **AND SEXUAL ASSAULT OFFENSES.**

13       (a) STUDY.—The Attorney General, in consultation  
14 with national, State, and local domestic violence and sex-  
15 ual assault coalitions and programs, including, nationally  
16 recognized experts on sexual assault, such as from the ju-  
17 diciary, the legal profession, psychological associations,  
18 and sex offender treatment providers, shall conduct a na-  
19 tional study to examine the status of the law with respect  
20 to rape and sexual assault offenses and the effectiveness  
21 of the implementation of laws in addressing such crimes  
22 and protecting their victims. The Attorney General may  
23 utilize the Bureau of Justice Statistics, the National Insti-  
24 tute of Justice, and the Office for Victims of Crime in  
25 carrying out this section.

1 (b) REPORT.—Based on the study required under  
2 subsection (a), the Attorney General shall prepare a re-  
3 port, including an analysis of the uniformity of the rape  
4 and sexual assault laws including sex offenses committed  
5 against children and sex offenses involving penetration of  
6 any kind among the States and their effectiveness in pros-  
7 ecuting crimes of rape and sexual assault offenses as fol-  
8 lows:

9 (1) Definitions of rape and sexual assault, in-  
10 cluding any marital rape exception and any other ex-  
11 ception or downgrading of offense.

12 (2) Element of consent and coercive conduct,  
13 including deceit.

14 (3) Element of physical resistance and affirma-  
15 tive nonconsent as a precondition for conviction.

16 (4) Element of force, including penetration re-  
17 quirement as aggravating factor and use of coercion.

18 (5) Evidentiary matters—

19 (A) inferences—timeliness of complaint  
20 under the Model Penal Code;

21 (B) post traumatic stress disorder (includ-  
22 ing rape trauma syndrome) relevancy of scope  
23 and admissibility;

24 (C) rape shield laws—in camera evi-  
25 dentiary determinations;

1 (D) prior bad acts; and

2 (E) corroboration requirement and cau-  
3 tionary jury instructions.

4 (6) Existence of special rules for rape and sex-  
5 ual assault offenses.

6 (7) Use of experts.

7 (8) Sentencing—

8 (A) plea bargains;

9 (B) presentence reports;

10 (C) recidivism and remorse;

11 (D) adolescents;

12 (E) psychological injuries;

13 (F) gravity of crime and trauma to victim;

14 and

15 (G) race.

16 (9) Any personal or professional relationship  
17 between the perpetrator and the victim.

18 (10) Any recommendations of the Attorney  
19 General for reforms to foster uniformity among the  
20 States in addressing rape and sexual assault of-  
21 fenses in order to protect victims more effectively  
22 while safeguarding due process.

23 (c) DEFINITION.—For purposes of this section, the  
24 term “rape and sexual assault offenses” includes carnal  
25 knowledge of a child, abduction with intent to defile, inde-

1 cent liberties, bestiality, forcible sodomy, sexual penetra-  
2 tion with an animate or inanimate object, forced sexual  
3 intercourse (labia majora penetration or anus penetra-  
4 tion), cunnilingus, fellatio, anallingus, anal intercourse,  
5 sexual battery, aggravated sexual battery, and sexual  
6 abuse, accomplished by use of force, threats, or intimidat-  
7 ion.

8 (d) REPORT.—The Attorney General shall ensure  
9 that no later than 1 year after the date of enactment of  
10 this Act, the study required under subsection (a) is com-  
11 pleted and a report describing the findings made is sub-  
12 mitted to Congress.

13 (e) AUTHORIZATION OF APPROPRIATION.—It is au-  
14 thorized that \$200,000 be appropriated to carry out the  
15 study required by this section.

16 **SEC. 1707. RESEARCH CENTERS.**

17 The Attorney General shall establish 3 research cen-  
18 ters to support the development of research and training  
19 program to focus on violence against women, to provide  
20 mechanisms for collaboration between researchers and  
21 practitioners, and to provide technical assistance for inte-  
22 grating research into service provision. Each Center shall  
23 be organized around a research area such as epidemiology  
24 and measurement of violence against women, causes and  
25 risk factors, and prevention and intervention evaluation

1 research. At least one of the centers shall be established  
2 at an entity other than an academic institution. There are  
3 authorized to be appropriated \$3,000,000 for each of the  
4 fiscal years 1999, 2000, and 2001 to carry out this sec-  
5 tion.

6 **TITLE XVIII—PUBLIC ACCESS TO**  
7 **FBI DATABASE ON SEXUAL**  
8 **OFFENDERS**

9 **SEC. 1801. ESTABLISHMENT OF TELEPHONE ACCESS FOR**  
10 **THE PUBLIC TO FBI DATABASE ON SEXUAL**  
11 **OFFENDERS.**

12 Subtitle A of title XVII of the Violent Crime Control  
13 and Law Enforcement Act of 1994 (42 U.S.C. 14071 et  
14 seq.) is amended by adding at the end the following new  
15 section:

16 **“SEC. 170103. TELEPHONE ACCESS FOR THE PUBLIC TO FBI**  
17 **DATABASE.**

18 “(a) ESTABLISHMENT.—(1) The Attorney General  
19 shall establish, publicize, and operate a national telephone  
20 service by which a person (as defined in subsection (f)(2))  
21 may request the information described in paragraph (2).

22 “(2) The information described in this paragraph is  
23 whether an individual (as defined in subsection (f)(3)),  
24 other than a victim of an offense that requires registration

1 under this subtitle, is listed in the database established  
2 under section 170102.

3 “(b) PREREQUISITE FOR ACCESS TO INFORMA-  
4 TION.—The Attorney General shall not disclose the infor-  
5 mation described in subsection (a)(2) unless the person  
6 seeking such information provides his or her full name,  
7 the full name of the individual, and one or more of the  
8 following:

9 “(1) The address of the individual’s residence.

10 “(2) The individual’s Social Security number.

11 “(3) The individual’s driver’s license number or  
12 the number the identification card issued by State or  
13 local authorities in lieu of a driver’s license.

14 “(4) The individual’s date of birth.

15 “(5) Such other information as the Attorney  
16 General determines to be appropriate for purposes of  
17 identification of the individual.

18 “(c) NOTICE TO CALLER.—Prior to disclosing infor-  
19 mation described in subsection (a)(2), and without charg-  
20 ing a fee for the same, the Attorney General shall provide  
21 the following general information in the form of a recorded  
22 message:

23 “(1) The requirements described in sub-  
24 section (b).

1           “(2) The fee for the use of the telephone  
2       service.

3           “(3) A warning that information received pur-  
4       suant to such request may not be misused, as de-  
5       scribed in subsection (e), and notice of the penalties  
6       for such misuse of the information.

7           “(4) A warning that the service is not be avail-  
8       able to persons under 18 years of age.

9           “(5) Such other information as the Attorney  
10      General determines to be appropriate.

11      “(d) FEES FOR USE OF SERVICE.—

12           “(1) FEE FOR ACCESS TO INFORMATION IN  
13      DATABASE.—The Attorney General shall charge a  
14      fee for each use of the service for information de-  
15      scribed in subsection (a) from the service.

16           “(2) LIMITATION ON NUMBER OF REQUESTS.—  
17      A person may not make more than two requests for  
18      such information per use of the service.

19           “(3) USE OF FEES TO DEFRAY EXPENSES OF  
20      SERVICE.—To the extent provided in advance in ap-  
21      propriations Acts, moneys received under paragraph  
22      (1) shall be used to pay for the expenses of the oper-  
23      ation of the service.

24      “(e) PENALTIES FOR MISUSE OF INFORMATION.—

1           “(1) PROHIBITIONS.—Whoever, having obtained  
2           information described in subsection (a)(2) from the  
3           service, knowingly uses such information—

4                   “(A) for any purpose other than to protect  
5           a minor at risk; or

6                   “(B) with respect to insurance, housing, or  
7           any other use that the Attorney General may  
8           determine—

9                   “(i) is unnecessary for the protection  
10           of a minor at risk or;

11                   “(ii) which creates a disproportionate  
12           prejudicial effect,

13           shall be punished as provided in paragraph (2).

14           “(2) CIVIL PENALTY.—Each person who vio-  
15           lates the provisions of paragraph (1) shall be subject  
16           to a civil penalty imposed by the Attorney General  
17           of not more than \$1,000 for each violation.

18           “(f) DEFINITIONS.—As used in this section:

19                   “(1) MINOR AT RISK.—The term ‘minor at risk’  
20           means a minor, as that term is defined in section  
21           2256(1) of title 18, United States Code, who is or  
22           may be in danger of becoming a victim of an offense,  
23           for which registration is required under this subtitle,  
24           by an individual about whom the information de-  
25           scribed in subsection (a)(2) is sought.

1           “(2) PERSON.—The term ‘person’ means a per-  
2       son who requests the information described in sub-  
3       section (a)(2).

4           “(3) INDIVIDUAL.—The term ‘individual’ means  
5       an individual who is required to register under this  
6       subtitle.”.

7       **TITLE     XIX—LIMITING     AVAIL-**  
8       **ABILITY    OF   PORNOGRAPHY**  
9       **ON   COMPUTERS**

10   **SEC. 1901. LIMITING AVAILABILITY OF PORNOGRAPHY ON**  
11       **COMPUTERS.**

12       (a) IN GENERAL.—Not later than 90 days after the  
13   date of the enactment of this Act, the Federal Bureau of  
14   Investigation and the Attorney General shall begin a study  
15   of computer-based technologies and other approaches to  
16   the problem of the availability of pornographic material  
17   to children on the Internet, in order to develop possible  
18   amendments to Federal criminal law and other law en-  
19   forcement techniques to respond to this problem.

20       (b) CONTENTS OF STUDY.—The study shall address  
21   the following:

22           (1) The capabilities of present-day computer-  
23       based control technologies for controlling electronic  
24       transmission of pornographic images.

1           (2) Research needed to develop computer-based  
2       control technologies to the point of practical utility  
3       for controlling the electronic transmission of porno-  
4       graphic images.

5           (3) Any inherent limitations of computer-based  
6       control technologies for controlling electronic trans-  
7       mission of pornographic images.

8           (4) Operational policies or management tech-  
9       niques needed to ensure the effectiveness of these  
10      control technologies for controlling electronic trans-  
11      mission of pornographic images.

12          (5) Policy and criminal law and law enforce-  
13      ment options for promoting the deployment of such  
14      control technologies and the costs and benefits of  
15      such options.

16          (6) The possible constitutional limitations or  
17      constraints with respect to any of the matters de-  
18      scribed in paragraphs (1) through (5).

19      (c) FINAL REPORT.—Not later than 2 years after the  
20      date of the enactment of this section, the Federal Bureau  
21      of Investigation shall make a final report of the results  
22      of the study to the Committee on the Judiciary of the  
23      House of Representatives and the Committee on the Judi-  
24      ciary of the Senate. The final report of the study shall  
25      set forth the findings, conclusions, and recommendations

1 of the Council and shall be submitted to relevant Govern-  
2 ment agencies and congressional committees.

Passed the House of Representatives June 11, 1998.

Attest:

*Clerk.*