

105TH CONGRESS
2^D SESSION

H. R. 3494

IN THE SENATE OF THE UNITED STATES

JUNE 16, 1998

Received; read twice and referred to the Committee on the Judiciary

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 sserting “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 sserting “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-

1 ably possible, make a report of such facts or circumstances
2 to an agency or agencies designated by the Attorney Gen-
3 eral. The Attorney General shall make a designation of
4 the agency or agencies described in the preceding sentence
5 not later than 180 days after the date of the enactment
6 of this subsection. A person who fails to make a report
7 required under this section shall be fined not more than
8 \$100,000. A term used in this section has the same mean-
9 ing given that term when used in section 226(a) of the
10 Crime Control Act of 1990 (42 U.S.C. 13031(a)).

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

14 “(6) to a law enforcement agency—

15 “(A) if such contents—

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

18 “(ii) appear to pertain to the commis-
19 sion of a crime; or

20 “(B) if required by section 113 of the
21 Child Protection and Sexual Predator Punish-
22 ment Act of 1998.”.

23 (c) CIVIL LIABILITY.—No provider or user of an elec-
24 tronic 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 DIF-
2 FERENTIAL.—Section 2241(c) of title 18, United States
3 Code, is amended by striking “younger than that person”
4 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 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.”.

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

5 (c) AUTHORIZATION FOR APPROPRIATIONS.—There
6 are authorized to be appropriated to carry out subsection
7 (i) of section 170101 of the Violent Crime Control and
8 Law Enforcement Act of 1994 (42 U.S.C. 14211),
9 \$25,000,000 for each of fiscal years 1999 and 2000.

10 **TITLE VI—FACILITATING FIN-**
11 **GERPRINT CHECKS TO PRO-**
12 **TECT CHILDREN FROM SEX-**
13 **UAL PREDATORS AND VIO-**
14 **LENT CRIMINALS**

15 **SEC. 601. SHORT TITLE.**

16 This title may be cited as the “Volunteers for Chil-
17 dren Act”.

18 **SEC. 602. ACCESS TO CRIMINAL FINGERPRINT BACK-**
19 **GROUND CHECKS.**

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

23 “(3) In the absence of State procedures referred to
24 in paragraph (1), youth-serving volunteer organizations
25 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 (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-
2 forcement 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 **ERENCE 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) 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:

ROBIN H. CARLE,

Clerk.