

Union Calendar No. 216

107TH CONGRESS
2^D SESSION

H. R. 2146

[Report No. 107-373]

To amend title 18 of the United States Code to provide life imprisonment
for repeat offenders who commit sex offenses against children.

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2001

Mr. GREEN of Wisconsin (for himself, Mr. SHIMKUS, Mr. SHOWS, Mr. FROST, Mr. DUNCAN, Mr. LIPINSKI, Mr. CRAMER, Mr. SMITH of New Jersey, Mr. TERRY, Mr. CALVERT, Ms. HART, Mr. OXLEY, Mr. HAYWORTH, Mr. SESSIONS, Mr. NETHERCUTT, Mr. GILCHREST, Mrs. KELLY, Mr. PITTS, Mr. NEY, Mr. GARY G. MILLER of California, Mr. PETRI, Mr. ENGLISH, Mr. JONES of North Carolina, Mr. ROYCE, Mr. WATKINS of Oklahoma, and Mr. SWEENEY) introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 12, 2002

Additional sponsors: Mr. RYUN of Kansas, Mr. SIMMONS, Mr. KELLER, Mr. CHABOT, Mr. LUCAS of Kentucky, and Mr. GRUCCI

MARCH 12, 2002

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on June 13, 2001]

A BILL

To amend title 18 of the United States Code to provide

life imprisonment for repeat offenders who commit sex offenses against children.

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

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Two Strikes and You’re*
 5 *Out Child Protection Act”.*

6 **SEC. 2. MANDATORY LIFE IMPRISONMENT FOR REPEAT SEX**
 7 **OFFENDERS AGAINST CHILDREN.**

8 *Section 3559 of title 18, United States Code, is amend-*
 9 *ed by adding at the end the following new subsection:*

10 “(e) **MANDATORY LIFE IMPRISONMENT FOR REPEATED**
 11 **SEX OFFENSES AGAINST CHILDREN.**—

12 “(1) **IN GENERAL.**—*A person who is convicted of*
 13 *a Federal sex offense in which a minor is the victim*
 14 *shall be sentenced to life imprisonment if the person*
 15 *has a prior sex conviction in which a minor was the*
 16 *victim, unless the sentence of death is imposed.*

17 “(2) **DEFINITIONS.**—*For the purposes of this*
 18 *subsection—*

19 “(A) *the term ‘Federal sex offense’ means—*

20 “(i) *an offense under section 2241 (re-*
 21 *lating to aggravated sexual abuse), 2242*
 22 *(relating to sexual abuse), 2243(a) (relating*
 23 *to sexual abuse of a minor), 2244(a)(1) or*
 24 *(2) (relating to abusive sexual contact),*

1 2245 (relating to sexual abuse resulting in
2 death), or 2251A (relating to selling or buy-
3 ing of children); or

4 “(i) an offense under section 2423(a)
5 (relating to transportation of minors) in-
6 volving prostitution or sexual activity con-
7 stituting a State sex offense;

8 “(B) the term ‘State sex offense’ means an
9 offense under State law that consists of conduct
10 that would be a Federal sex offense if, to the ex-
11 tent or in the manner specified in the applicable
12 provision of this title—

13 “(i) the offense involved interstate or
14 foreign commerce, or the use of the mails; or

15 “(ii) the conduct occurred in any com-
16 monwealth, territory, or possession of the
17 United States, within the special maritime
18 and territorial jurisdiction of the United
19 States, in a Federal prison, on any land or
20 building owned by, leased to, or otherwise
21 used by or under the control of the Govern-
22 ment of the United States, or in the Indian
23 country (as defined in section 1151);

24 “(C) the term ‘prior sex conviction’ means
25 a conviction for which the sentence was imposed

1 *before the conduct occurred constituting the sub-*
2 *sequent Federal sex offense, and which was for a*
3 *Federal sex offense or a State sex offense;*

4 *“(D) the term ‘minor’ means an individual*
5 *who has not attained the age of 17 years; and*

6 *“(E) the term ‘State’ has the meaning given*
7 *that term in subsection (c)(2).”.*

8 **SEC. 3. CONFORMING AMENDMENT.**

9 *Sections 2247 and 2426 of title 18, United States Code,*
10 *are each amended by inserting “, unless section 3559(e) ap-*
11 *plies” before the final period.*

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