

103^D CONGRESS
1ST SESSION

H. R. 324

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20 (legislative day, NOVEMBER 2), 1993

Received

NOVEMBER 23, 1993

Read twice and referred to the Committee on the Judiciary

AN ACT

To require any person who is convicted of a State criminal offense against a victim who is a minor to register a current address with law enforcement officials of the State for 10 years after release from prison, parole, or supervision.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Jacob Wetterling
5 Crimes Against Children Registration Act”.

6 **SEC. 2. ESTABLISHMENT OF PROGRAM.**

7 (a) IN GENERAL.—

8 (1) STATE GUIDELINES.—The Attorney General
9 shall establish guidelines for State programs requir-

1 ing any person who is convicted of a criminal offense
2 against a victim who is a minor to register a current
3 address with a designated State law enforcement
4 agency for 10 years after release from prison, or
5 being placed on parole, supervised release, or proba-
6 tion.

7 (2) DEFINITION.—For purposes of this sub-
8 section, the term “criminal offense against a victim
9 who is a minor” means any criminal offense that
10 consists of—

11 (A) kidnapping of a minor, except by a
12 parent;

13 (B) false imprisonment of a minor, except
14 by a parent;

15 (C) criminal sexual conduct toward a
16 minor;

17 (D) solicitation of a minor to engage in
18 sexual conduct;

19 (E) use of a minor in a sexual perform-
20 ance;

21 (F) solicitation of a minor to practice pros-
22 titution;

23 (G) any conduct that by its nature is a
24 sexual offense against a minor; or

1 (H) an attempt to commit an offense de-
2 scribed in any of subparagraphs (A) through
3 (G) of this paragraph, if the State—

4 (i) makes such an attempt a criminal
5 offense; and

6 (ii) chooses to include such an offense
7 in those which are criminal offenses
8 against a victim who is a minor for the
9 purposes of this section.

10 (b) REGISTRATION REQUIREMENT UPON RELEASE,
11 PAROLE, SUPERVISED RELEASE, OR PROBATION.—An
12 approved State registration program established under
13 this section shall contain the following requirements:

14 (1) DUTY OF STATE PRISON OFFICIAL OR
15 COURT.—If a person who is required to register
16 under this section is released from prison, or placed
17 on parole, supervised release, or probation, a State
18 prison officer, or in the case of probation, the court,
19 shall—

20 (A) inform the person of the duty to reg-
21 ister and obtain the information required for
22 such registration;

23 (B) inform the person that if the person
24 changes residence address, the person shall give

1 the new address to a designated State law en-
2 forcement agency in writing within 10 days;

3 (C) inform the person that if the person
4 changes residence to another State, the person
5 shall register the new address with the law en-
6 forcement agency with whom the person last
7 registered, and the person is also required to
8 register with a designated law enforcement
9 agency in the new State not later than 10 days
10 after establishing residence in the new State, if
11 the new State has a registration requirement;

12 (D) obtain fingerprints and a photograph
13 of the person if these have not already been ob-
14 tained in connection with the offense that trig-
15 gers registration; and

16 (E) require the person to read and sign a
17 form stating that the duty of the person to reg-
18 ister under this section has been explained.

19 (2) TRANSFER OF INFORMATION TO STATE AND
20 THE F.B.I.—The officer, or in the case of a person
21 placed on probation, the court, shall, within 3 days
22 after receipt of information described in paragraph
23 (1), forward it to a designated State law enforce-
24 ment agency. The State law enforcement agency
25 shall immediately enter the information into the ap-

1 appropriate State law enforcement record system and
2 notify the appropriate law enforcement agency hav-
3 ing jurisdiction where the person expects to reside.
4 The State law enforcement agency shall also imme-
5 diately transmit the conviction data and fingerprints
6 to the Federal Bureau of Investigation.

7 (3) ANNUAL VERIFICATION.—On each anniver-
8 sary of a person's initial registration date during the
9 period in which the person is required to register
10 under this section, the designated State law enforce-
11 ment agency shall mail a nonforwardable verification
12 form to the last reported address of the person. The
13 person shall mail the verification form to the des-
14 ignated State law enforcement agency within 10
15 days after receipt of the form. The verification form
16 shall be signed by the person, and state that the per-
17 son still resides at the address last reported to the
18 designated State law enforcement agency. If the per-
19 son fails to mail the verification form to the des-
20 ignated State law enforcement agency within 10
21 days after receipt of the form, the person shall be
22 in violation of this section unless the person proves
23 that the person has not changed his or her residence
24 address.

1 (4) NOTIFICATION OF LOCAL LAW ENFORCE-
2 MENT AGENCIES OF CHANGES IN ADDRESS.—Any
3 change of address by a person required to register
4 under this section reported to the designated State
5 law enforcement agency shall immediately be re-
6 ported to the appropriate law enforcement agency
7 having jurisdiction where the person is residing. The
8 designated law enforcement agency shall, if the per-
9 son changes residence to another State, notify the
10 person of the law enforcement agency with which the
11 person must register in the new State, if the new
12 State has a registration requirement.

13 (5) PRIVACY OF DATA.—The information col-
14 lected under a State registration program shall be
15 treated as private data on individuals and may be
16 disclosed only to law enforcement agencies for inves-
17 tigative purposes or to government agencies conduct-
18 ing confidential background checks with fingerprints
19 on applicants for child care positions or other posi-
20 tions involving contact with children.

21 (c) REGISTRATION FOR CHANGE OF ADDRESS TO
22 ANOTHER STATE.—A person who has been convicted of
23 an offense which triggered registration in a State shall
24 register the new address with a designated law enforce-
25 ment agency in another State to which the person moves

1 not later than 10 days after such person establishes resi-
2 dence in the new State, if the new State has a registration
3 requirement.

4 (d) REGISTRATION FOR 10 YEARS.—A person re-
5 quired to register under this section shall continue to com-
6 ply with this section until 10 years have elapsed since the
7 person was released from prison, or placed on parole, su-
8 pervised release, or probation.

9 (e) PENALTY.—A person required to register under
10 a State program established pursuant to this section who
11 knowingly fails to so register and keep such registration
12 current shall be subject to criminal penalties in any State
13 in which the person has so failed.

14 (f) COMPLIANCE.—

15 (1) COMPLIANCE DATE.—Each State shall have
16 3 years from the date of the enactment of this Act
17 in which to implement this section.

18 (2) INELIGIBILITY FOR FUNDS.—The allocation
19 of funds under section 506 of title I of the Omnibus
20 Crime Control and Safe Streets Act of 1968 (42
21 U.S.C. 3756) received by a State not complying with
22 the guidelines issued under this section 3 years after
23 the date of enactment of this Act may be reduced
24 by 10 percent and the unallocated funds shall be re-

1 allocated to the States in compliance with this sec-
2 tion.

Passed the House of Representatives November 20,
1993.

Attest: DONNALD K. ANDERSON,
Clerk.

By DALLAS L. DENDY, JR.,
Assistant to the Clerk.