

104TH CONGRESS
1ST SESSION

H. R. 1240

IN THE SENATE OF THE UNITED STATES

APRIL 5, 1995

Received

AN ACT

To combat crime by enhancing the penalties for certain
sexual crimes 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 “Sexual Crimes Against
5 Children Prevention Act of 1995”.

1 **SEC. 2. INCREASED PENALTIES FOR CERTAIN CONDUCT IN**
2 **SEXUAL EXPLOITATION OF CHILDREN.**

3 The United States Sentencing Commission shall
4 amend the sentencing guidelines to increase the base of-
5 fense level for offenses under section 2251 or 2252 of title
6 18, United States Code, by at least 2 levels.

7 **SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS**
8 **IN SEXUAL EXPLOITATION OF CHILDREN.**

9 The United States Sentencing Commission shall
10 amend the sentencing guidelines with respect to an offense
11 under—

12 (1) section 2251(c)(1)(A); or

13 (2) any of paragraphs (1) through (3) of sec-
14 tion 2252(a);

15 of title 18, United States Code, to increase the offense
16 level by at least 2 levels if a computer was used to transmit
17 the notice or advertisement to the intended recipient or
18 to transport or ship the visual depiction.

19 **SEC. 4. INCREASED PENALTIES FOR TRANSPORTATION OF**
20 **CHILDREN WITH INTENT TO ENGAGE IN**
21 **CRIMINAL SEXUAL ACTIVITY.**

22 The United States Sentencing Commission shall
23 amend the sentencing guidelines to increase the base of-
24 fense level for an offense under section 2423(a) of title
25 18, United States Code, by at least 3 levels.

1 **SEC. 5. TECHNICAL CORRECTION.**

2 Section 2423(b) of title 18, United States Code, is
3 amended by striking “2245” and inserting “2246”.

4 **SEC. 6. REPORT BY THE UNITED STATES SENTENCING**
5 **COMMISSION.**

6 Not later than 180 days after the date of the enact-
7 ment of this Act, the United States Sentencing Commis-
8 sion shall submit a report to Congress concerning offenses
9 involving child pornography and other sexual crimes
10 against children. In this report the Commission shall in-
11 clude—

12 (1) an analysis of the sentences imposed for of-
13 fenses under sections 2251, 2252, and 2423 of title
14 18, United States Code, and recommendations as to
15 any modifications to the sentencing guidelines that
16 may be appropriate with respect to those offenses;

17 (2) an analysis of the sentences imposed for of-
18 fenses under sections 2241, 2242, 2243, and 2244
19 of title 18, United States Code, where the victim was
20 under the age of 18 years, and recommendations as
21 to any modifications to the sentencing guidelines
22 that may be appropriate with respect to those of-
23 fenses;

24 (3) an analysis of the type of substantial assist-
25 ance that courts have recognized as warranting a
26 downward departure from the sentencing guidelines

1 relating to offenses under section 2251 or 2252 of
2 title 18, United States Code;

3 (4) a survey of the recidivism rate for offenders
4 convicted of committing sexual crimes against chil-
5 dren, an analysis of the impact on recidivism of sex-
6 ual abuse treatment provided during or after incar-
7 ceration or both, and an analysis of whether in-
8 creased penalties would reduce recidivism for these
9 crimes; and

10 (5) such other recommendations with respect to
11 the offenses described in this section as the Commis-
12 sion deems appropriate.

Passed the House of Representatives April 4, 1995.

Attest:

ROBIN H. CARLE,

Clerk.