

Union Calendar No. 43

104TH CONGRESS
1ST SESSION

H. R. 1240

[Report No. 104-90]

A BILL

To combat crime by enhancing the penalties for
certain sexual crimes against children.

MARCH 28, 1995

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

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IN THE HOUSE OF REPRESENTATIVES

MARCH 15, 1995

Mr. MCCOLLUM (for himself, Mrs. VUCANOVICH, Mr. COBLE, Mr. BRYANT of Tennessee, Mr. SCHIFF, Mr. HEINEMAN, Mr. CHABOT, and Mr. BARR) introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 28, 1995

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 March 15, 1995]

A BILL

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sexual Crimes Against
3 Children Prevention Act of 1995”.

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

6 The United States Sentencing Commission shall
7 amend the sentencing guidelines to increase the base offense
8 level for offenses under section 2251 or 2252 of title 18,
9 United States Code, by at least 2 levels.

10 **SEC. 3. INCREASED PENALTIES FOR USE OF COMPUTERS IN**
11 **SEXUAL EXPLOITATION OF CHILDREN.**

12 The United States Sentencing Commission shall
13 amend the sentencing guidelines with respect to an offense
14 under—

15 (1) section 2251(c)(1)(A); or
16 (2) any of paragraphs (1) through (3) of section
17 2252(a);
18 of title 18, United States Code, to increase the offense level
19 by at least 2 levels if a computer was used to transmit the
20 notice or advertisement to the intended recipient or to
21 transport or ship the visual depiction.

22 **SEC. 4. INCREASED PENALTIES FOR TRANSPORTATION OF**
23 **CHILDREN WITH INTENT TO ENGAGE IN**
24 **CRIMINAL SEXUAL ACTIVITY.**

25 The United States Sentencing Commission shall
26 amend the sentencing guidelines to increase the base offense

1 level for an offense under section 2423(a) of title 18, United
2 States Code, by at least 3 levels.

3 **SEC. 5. PREDICATE OFFENSES FOR RICO.**

4 Section 1961(1)(B) of title 18, United States Code, is
5 amended by striking “sections 1461–1465 (relating to ob-
6 scene matter)” and inserting “chapter 71 (relating to ob-
7 scenity)”.

8 **SEC. 6. TECHNICAL CORRECTION.**

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

11 **SEC. 7. REPORT BY THE UNITED STATES SENTENCING COM-**
12 **MISSION.**

13 Not later than 180 days after the date of the enactment
14 of this Act, the United States Sentencing Commission shall
15 submit a report to Congress concerning offenses involving
16 child pornography and other sexual crimes against chil-
17 dren. In this report the Commission shall include—

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

23 (2) an analysis of the sentences imposed for of-
24 fenses under sections 2241, 2242, 2243, and 2244 of
25 title 18, United States Code, where the victim was

1 *under the age of 18 years, and recommendations as*
2 *to any modifications to the sentencing guidelines that*
3 *may be appropriate with respect to those offenses;*

4 *(3) an analysis of the type of substantial assist-*
5 *ance that courts have recognized as warranting a*
6 *downward departure from the sentencing guidelines*
7 *relating to offenses under section 2251 or 2252 of title*
8 *18, United States Code;*

9 *(4) a survey of the recidivism rate for offenders*
10 *convicted of committing sexual crimes against chil-*
11 *dren, an analysis of the impact on recidivism of sex-*
12 *ual abuse treatment provided during or after incar-*
13 *ceration or both, and an analysis of whether increased*
14 *penalties would reduce recidivism for these crimes;*
15 *and*

16 *(5) such other recommendations with respect to*
17 *the offenses described in this section as the Commis-*
18 *sion deems appropriate.*