

104TH CONGRESS
2D SESSION

H. R. 2974

IN THE SENATE OF THE UNITED STATES

MAY 8, 1996

Received

MAY 14, 1996

Read twice and referred to the Committee on the Judiciary

AN ACT

To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.

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 “Crimes Against Chil-
3 dren and Elderly Persons Increased Punishment Act”.

4 **SEC. 2. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.**

5 Section 240002 of the Violent Crime Control and
6 Law Enforcement Act of 1994 is amended to read as fol-
7 lows:

8 **“SEC. 240002. ENHANCED PENALTIES FOR VULNERABLE**
9 **VICTIMS.**

10 “(a) IN GENERAL.—The United States Sentencing
11 Commission shall amend the Federal sentencing guidelines
12 to provide a sentencing enhancement of not less than 5
13 levels above the offense level otherwise provided for a
14 crime of violence, including those crimes of violence involv-
15 ing the environment, if the crime of violence is against
16 a child, elderly person, or other vulnerable person. If the
17 crime of violence is also a sex crime against a child, the
18 enhancement provided under the preceding sentence shall
19 be 6 instead of 5 levels.

20 “(b) DEFINITIONS.—As used in this section—

21 “(1) the term ‘crime of violence’ has the mean-
22 ing given that term in section 16 of title 18, United
23 States Code;

24 “(2) the term ‘child’ means a person who is 14
25 years of age, or younger;

1 “(3) the term ‘elderly person’ means a person
2 who is 65 years of age or older; and

3 “(4) the term ‘vulnerable person’ means a per-
4 son whom the defendant knew or should have known
5 was unusually vulnerable due to age, physical or
6 mental condition, or otherwise particularly suscep-
7 tible to the criminal conduct, or is a victim of an of-
8 fense under section 2241(e) of title 18, United
9 States Code.”.

10 **SEC. 3. SHORT TITLE.**

11 Section 4 may be cited as the “Amber Hagerman
12 Child Protection Act of 1996”.

13 **SEC. 4. INCREASED PENALTIES FOR FEDERAL SEX OF-**
14 **FENSES AGAINST CHILDREN.**

15 (a) AGGRAVATED SEXUAL ABUSE OF A MINOR.—
16 Section 2241(e) of title 18, United States Code, is amend-
17 ed—

18 (1) by inserting “whoever in interstate or for-
19 eign commerce or” before “in the special”;

20 (2) by inserting “crosses a State line with in-
21 tent to engage in a sexual act with a person who has
22 not attained the age of 12 years, or” after “Who-
23 ever”; and

24 (3) by adding at the end of the following: “If
25 the defendant has previously been convicted of an-

1 other Federal offense under this subsection or under
2 section 2243(a), or of a State offense that would
3 have been an offense under either such provision had
4 the offense occurred in a Federal prison, unless the
5 death penalty is imposed, the defendant shall be sen-
6 tenced to life in prison.”.

7 (b) SEXUAL ABUSE OF A MINOR.—Section 2243(a)
8 of title 18, United States Code, is amended—

9 (1) by inserting “whoever in interstate for for-
10 eign commerce or” before “in the special”;

11 (2) by inserting “crosses a State line with in-
12 tent to engage in a sexual act with a person who,
13 or” after “Whoever”; and

14 (3) by adding at the end the following: “If the
15 defendant has previously been convicted of another
16 Federal offense under this subsection or under sec-
17 tion 2241(c), or of a State offense that would have
18 been an offense under either such provision had the
19 offense occurred in a Federal prison, unless the
20 death penalty is imposed, the defendant shall be sen-
21 tenced to life in prison.”.

22 **SEC. 5. FEDERAL JURISDICTION OVER RAPE AND SEXUAL**
23 **ASSAULT CASES.**

24 Section 2241 of title 18, United States Code, is
25 amended by adding at the end the following:

1 “(e) PUNISHMENT FOR SEXUAL PREDATORS.—(1)
2 Whoever, in a circumstance described in paragraph (2) of
3 this subsection—

4 “(A) violates this section; or

5 “(B) engages in conduct that would violate this
6 section, if the conduct had occurred in the special
7 maritime and territorial jurisdiction of the United
8 States, and—

9 “(i) that conduct is in interstate or foreign
10 commerce;

11 “(ii) the person engaging in that conduct
12 crossed a State line with intent to engage in the
13 conduct; or

14 “(iii) the person engaging in that conduct
15 thereafter engages in conduct that is a violation
16 of section 1073(1) with respect to an offense
17 that consists of the conduct so engaged in;

18 shall be imprisoned for life.

19 “(2) The circumstance referred to in paragraph (1)
20 of this subsection is that the defendant has previously
21 been convicted of another State or Federal offense for con-
22 duct which—

23 “(A) is an offense under this section or section
24 2242 of this title; or

1 “(B) would have been an offense under either
2 of such sections if the offense had occurred in the
3 special maritime or territorial jurisdiction of the
4 United States.”.

5 **SEC. 6. PROHIBITIONS RELATING TO BODY ARMOR.**

6 (a) **SHORT TITLE.**—This section may be cited as the
7 “James Guelff Body Armor Act of 1996”.

8 (b) **SENTENCING ENHANCEMENT.**—The United
9 States Sentencing Commission shall amend the Federal
10 sentencing guidelines to provide an appropriate sentencing
11 enhancement for any crime of violence against a vulner-
12 able person (which for the purposes of this section shall
13 include a law enforcement officer) as defined in section
14 240002 of the Violent Crime Control and Law Enforce-
15 ment Act of 1994 in which the defendant used body
16 armor.

17 (c) For purposes of this section—

18 (1) the term “body armor” means any product
19 sold or offered for sale as personal protective body
20 covering intended to protect against gunfire, regard-
21 less of whether the product is to be worn alone or
22 is sold as a complement to another product or gar-
23 ment; and

24 (2) the term “law enforcement officer” means
25 any officer, agent, or employee of the United States,

1 a State, or a political subdivision of a State, author-
2 ized by law or by a government agency to engage in
3 or supervise the prevention, detection, investigation,
4 or prosecution of any violation of criminal law.

5 **SEC. 7. AMENDMENT OF SENTENCING GUIDELINES TO PRO-**
6 **VIDE FOR ENHANCED PENALTIES FOR A DE-**
7 **FENDANT WHO COMMITS A CRIME WHILE IN**
8 **POSSESSION OF A FIREARM WITH A LASER**
9 **SIGHTING DEVICE.**

10 Not later than May 1, 1997, the United States Sen-
11 tencing Commission shall, pursuant to its authority under
12 section 994 of title 28, United States Code, amend the
13 sentencing guidelines (and, if the Commission considers
14 it appropriate, the policy statements of the Commission)
15 to provide that a defendant convicted of a crime of violence
16 against a child, elderly person, or other vulnerable person
17 (as such terms are defined in section 240002(b) of the
18 Violent Crime Control and Law Enforcement Act of 1994)
19 shall receive an appropriate sentence enhancement if, dur-
20 ing the crime—

21 (1) the defendant possessed a firearm equipped
22 with a laser sighting device; or

23 (2) the defendant possessed a firearm, and the
24 defendant (or another person at the scene of the
25 crime who was aiding in the commission of the

1 crime) possessed a laser sighting device capable of
2 being readily attached to the firearm.

Passed the House of Representatives May 7, 1996.

Attest: ROBIN H. CARLE,
Clerk.