

104TH CONGRESS
2D SESSION

S. 1675

To provide for the nationwide tracking of convicted sexual predators, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 16, 1996

Mr. GRAMM (for himself, Mr. BIDEN, Mrs. HUTCHISON, and Mr. FAIRCLOTH)
introduced the following bill; which was read twice and referred to the
Committee on the Judiciary

A BILL

To provide for the nationwide tracking of convicted sexual
predators, and for other purposes.

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 Offender
5 Tracking and Identification Act of 1996”.

6 **SEC. 2. OFFENDER REGISTRATION.**

7 (a) ESTABLISHMENT OF FBI DATABASE.—Subtitle
8 A of title XVII of the Violent Crime Control and Law En-
9 forcement Act of 1994 (42 U.S.C. 14071) is amended by
10 adding at the end the following new section:

1 **“SEC. 170102. FBI DATABASE.**

2 “(a) DEFINITIONS.—For purposes of this section—

3 “(1) the term ‘FBI’ means the Federal Bureau
4 of Investigation;

5 “(2) the terms ‘criminal offense against a vic-
6 tim who is a minor’, ‘sexually violent offense’, ‘sexu-
7 ally violent predator’, ‘mental abnormality’, and
8 ‘predatory’ have the same meanings as in section
9 170101(a)(3); and

10 “(3) the term ‘minimally sufficient sexual of-
11 fender registration program’ means any State sexual
12 offender registration program that—

13 “(A) requires the registration of each of-
14 fender who is convicted of an offense described
15 in subparagraph (A) or (B) of section
16 170101(a)(1);

17 “(B) requires that all information gathered
18 under such program be transmitted to the FBI
19 in accordance with subsection (g) of this sec-
20 tion;

21 “(C) meets the requirements for verifica-
22 tion under section 170101(b)(3); and

23 “(D) requires that each person who is re-
24 quired to register under subparagraph (A) shall
25 do so for a period of not less than 10 years be-
26 ginning on the date that such person was re-

1 leased from prison or placed on parole, super-
2 vised release, or probation.

3 “(b) ESTABLISHMENT.—The Attorney General shall
4 establish a national database at the Federal Bureau of In-
5 vestigation to track the whereabouts and movement of—

6 “(1) each person who has been convicted of a
7 criminal offense against a victim who is a minor;

8 “(2) each person who has been convicted of a
9 sexually violent offense; and

10 “(3) each person who is a sexually violent pred-
11 ator.

12 “(c) REGISTRATION REQUIREMENT.—Each person
13 described in subsection (b) who resides in a State that
14 has not established a minimally sufficient sexual offender
15 registration program shall register a current address, a
16 set of fingerprints of that person, and a current photo-
17 graph of that person with the FBI for inclusion in the
18 database established under subsection (b) for the time pe-
19 riod specified under subsection (d).

20 “(d) LENGTH OF REGISTRATION.—A person de-
21 scribed in subsection (b) who is required to register under
22 subsection (c) shall continue to comply with this section—

23 “(1) until 10 years after the date on which the
24 person was released from prison or placed on parole,
25 supervised release, or probation; or

1 “(2) for the life of the person, if that person—

2 “(A) has 2 or more convictions for an of-
3 fense described in subsection (b);

4 “(B) has been convicted of aggravated sex-
5 ual abuse, as defined in section 2241 of title
6 18, United States Code, or in a comparable
7 provision of State law; or

8 “(C) has been determined to be a sexually
9 violent predator.

10 “(e) VERIFICATION.—

11 “(1) PERSONS CONVICTED OF AN OFFENSE
12 AGAINST A MINOR OR A SEXUALLY VIOLENT OF-
13 FENSE.—In the case of a person required to register
14 under subsection (c), on each anniversary of the ini-
15 tial registration date during the period in which the
16 person is required to register under subsection (d)—

17 “(A) the FBI shall mail a nonforwardable
18 verification form to the last reported address of
19 the person;

20 “(B) the verification form shall be signed
21 by the person, and state whether the person
22 still resides at the address last reported to the
23 FBI; and

24 “(C) the person shall mail the verification
25 form, along with a set of fingerprints and a

1 current photograph of that person, to the FBI
2 not later than 10 days after receipt of the form.

3 “(2) SEXUALLY VIOLENT PREDATORS.—Para-
4 graph (1) shall apply to a person described in sub-
5 section (b)(3), except that such person must verify
6 the registration once every 90 days after the date of
7 the initial release or commencement of parole of that
8 person.

9 “(f) COMMUNITY NOTIFICATION.—

10 “(1) IN GENERAL.—Subject to paragraph (2),
11 the FBI may release relevant information concerning
12 a person required to register under subsection (c)
13 that is necessary to protect the public.

14 “(2) IDENTITY OF VICTIM.—In no case shall
15 the FBI release the identity of any victim of an of-
16 fense that requires registration by the offender with
17 the FBI.

18 “(g) NOTIFICATION OF FBI OF CHANGES IN RESI-
19 DENCE.—

20 “(1) ESTABLISHMENT OF NEW RESIDENCE.—
21 For purposes of this section, a person shall be
22 deemed to have established a new residence during
23 any period in which that person resides for not less
24 than 10 days.

1 “(2) PERSONS REQUIRED TO REGISTER WITH
2 THE FBI.—Each change of address by a person re-
3 quired to register under subsection (c) shall be re-
4 ported to the FBI not later than 10 days after that
5 person establishes a new residence.

6 “(3) INTERSTATE MOVEMENT.—A person re-
7 quired to register under subsection (c) or under a
8 minimally sufficient offender registration program,
9 including a program established under section
10 170101, who changes address to a State other than
11 the State in which the person resided at the time of
12 the immediately preceding registration shall, not
13 later than 10 days after that person establishes a
14 new residence, register a current address, set of fin-
15 gerprints, and photograph of that person, for inclu-
16 sion in the appropriate database, with—

17 “(A) the FBI; and

18 “(B) the State in which the new residence
19 is established.

20 “(4) INTRASTATE MOVEMENT.—Any time any
21 State agency in a State with a minimally sufficient
22 sexual offender registration program, including a
23 program established under section 170101, is noti-
24 fied of a change of address by a person required to

1 register under such program within or outside of
2 such State, the State shall notify—

3 “(A) the law enforcement officials of the
4 jurisdiction to which, and the jurisdiction from
5 which, the person has relocated; and

6 “(B) the FBI.

7 “(5) VERIFICATION.—

8 “(A) NOTIFICATION OF LOCAL LAW EN-
9 FORCEMENT OFFICIALS.—The FBI shall ensure
10 that State and local law enforcement officials of
11 the jurisdiction from which, and the State and
12 local law enforcement officials of the jurisdic-
13 tion to which, a person required to register
14 under subsection (c) relocates are notified of
15 the new residence of such person.

16 “(B) NOTIFICATION OF FBI.—A State
17 agency receiving notification under this sub-
18 section shall notify the FBI of the new resi-
19 dence of the offender.

20 “(C) VERIFICATION.—

21 “(i) STATE AGENCIES.—If a State
22 agency cannot verify the address of or lo-
23 cate a person required to register with a
24 minimally sufficient sexual offender reg-
25 istration program, including a program es-

1 tablished under section 170101, the State
2 shall immediately notify the FBI.

3 “(ii) FBI.—If the FBI cannot verify
4 the address of or locate a person required
5 to register under subsection (c) or if the
6 FBI receives notification from a State
7 under clause (i), the FBI shall—

8 “(I) notify all States with a mini-
9 mally sufficient sexual offender reg-
10 istration program, including a pro-
11 gram established under section
12 170101; and

13 “(II) add the name of the person
14 to the Wanted Persons Index.

15 “(h) FINGERPRINTS.—

16 “(1) IN GENERAL.—

17 “(A) FBI REGISTRATION.—For each per-
18 son required to register under subsection (c),
19 fingerprints shall be obtained and verified by
20 the FBI or a local law enforcement official pur-
21 suant to regulations issued by the Attorney
22 General.

23 “(B) STATE REGISTRATION SYSTEMS.—In
24 a State that has a minimally sufficient sexual
25 offender registration program, including a pro-

1 gram established under section 170101, finger-
2 prints required to be registered with the FBI
3 under this section shall be obtained and verified
4 in accordance with State requirements. The
5 State agency responsible for registration shall
6 ensure that the fingerprints and all other infor-
7 mation required to be registered is registered
8 with the FBI.

9 “(2) FEES.—The FBI may collect fees pursu-
10 ant to title II of the Departments of Commerce,
11 Justice, and State, the Judiciary, and Related Agen-
12 cies Appropriations Act, 1991, under the heading
13 ‘FEDERAL BUREAU OF INVESTIGATION’ under the
14 subheading ‘SALARIES AND EXPENSES’ to offset the
15 costs of fingerprint verification carried out under
16 subsection (j)(2).

17 “(i) PENALTY.—A person required to register under
18 paragraph (1), (2), or (3) of subsection (g) who knowingly
19 fails to comply with this section shall—

20 “(1) in the case of a first offense—

21 “(A) if the person has been convicted of 1
22 offense described in subsection (b), be fined not
23 more than \$100,000; or

24 “(B) if the person has been convicted of
25 more than 1 offense described in subsection (b),

1 be imprisoned for up to 1 year and fined not
2 more than \$100,000; or

3 “(2) in the case of a second or subsequent of-
4 fense, be imprisoned for up to 10 years and fined
5 not more than \$100,000.

6 “(j) RELEASE OF INFORMATION.—The information
7 collected by the FBI under this section shall be disclosed
8 by the FBI—

9 “(1) to Federal, State, and local criminal jus-
10 tice agencies for—

11 “(A) law enforcement purposes; and

12 “(B) community notification in accordance
13 with section 170101(d)(3); and

14 “(2) to Federal, State, and local criminal jus-
15 tice agencies conducting legitimate employment-re-
16 lated background checks for private organizations
17 under section 3 of the National Child Protection Act
18 of 1993 (42 U.S.C. 5119a).”.

19 **SEC. 3. DURATION OF STATE REGISTRATION REQUIRE-**
20 **MENT.**

21 Section 170101(b)(6) of the Violent Crime Control
22 and Law Enforcement Act of 1994 (42 U.S.C.
23 14071(b)(6)) is amended to read as follows:

1 “(6) LENGTH OF REGISTRATION.—A person re-
 2 quired to register under subsection (a)(1) shall con-
 3 tinue to comply with this section until—

4 “(A) 10 years have elapsed since the per-
 5 son was released from prison or placed on pa-
 6 role, supervised release, or probation; or

7 “(B) for the life of that person if that per-
 8 son—

9 “(i) has 1 or more prior convictions
 10 for an offense described in subsection
 11 (a)(1)(A); or

12 “(ii) has been convicted of an aggra-
 13 vated offense described in subsection
 14 (a)(1)(A); or

15 “(iii) has been determined to be a sex-
 16 ually violent predator pursuant to sub-
 17 section (a)(2).”.

18 **SEC. 4. STATE BOARDS.**

19 Section 170101(a)(2) of the Violent Crime Control
 20 and Law Enforcement Act of 1994 (42 U.S.C.
 21 14071(a)(2)) is amended by inserting before the period
 22 at the end the following: “, victim rights advocates, and
 23 representatives from law enforcement agencies”.

1 **SEC. 5. FINGERPRINTS.**

2 Section 170101 of the Violent Crime Control and
3 Law Enforcement Act of 1994 (42 U.S.C. 14071) is
4 amended by adding at the end the following new sub-
5 section:

6 “(g) FINGERPRINTS.—Each requirement to register
7 under this section shall be deemed to also require the sub-
8 mission of a set of fingerprints of the person required to
9 register, obtained in accordance with regulations pre-
10 scribed by the Attorney General under section
11 170102(h).”.

12 **SEC. 6. VERIFICATION.**

13 Section 170101(b)(3)(A)(iii) of the Violent Crime
14 Control and Law Enforcement Act of 1994 (42 U.S.C.
15 14071(b)(3)(A)(iii)) is amended by adding at the end the
16 following: “The person shall include with the verification
17 form a set of fingerprints and a photograph of that per-
18 son.”.

19 **SEC. 7. REGULATIONS.**

20 Not later than 1 year after the date of enactment
21 of this Act, the Attorney General shall issue regulations
22 to carry out this Act and the amendments made by this
23 Act.

1 **SEC. 8. EFFECTIVE DATE.**

2 (a) IN GENERAL.—This Act and the amendments
3 made by this Act shall become effective 1 year after the
4 date of enactment of this Act.

5 (b) COMPLIANCE BY STATES.—Each State shall im-
6 plement the amendments made by sections 3, 4, 5, and
7 6 of this Act not later than 3 years after the date of enact-
8 ment of this Act, except that the Attorney General may
9 grant an additional 2 years to a State that is making good
10 faith efforts to implement such amendments.

11 **SEC. 9. SEVERABILITY.**

12 If any provision of this Act, an amendment made by
13 this Act, or the application of such provision or amend-
14 ment to any person or circumstance is held to be unconsti-
15 tutional, the remainder of this Act, the amendments made
16 by this Act, and the application of the provisions of such
17 to any person or circumstance shall not be affected there-
18 by.

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