

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6063

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## AN ACT

To amend title 18, United States Code, with respect to  
child pornography and child exploitation offenses.

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 “Child Protection Act  
3 of 2012”.

4 **SEC. 2. ENHANCED PENALTIES FOR POSSESSION OF CHILD**  
5 **PORNOGRAPHY.**

6 (a) CERTAIN ACTIVITIES RELATING TO MATERIAL  
7 INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—  
8 Section 2252(b)(2) of title 18, United States Code, is  
9 amended by inserting after “but if” the following: “any  
10 visual depiction involved in the offense involved a pre-  
11 pubescent minor or a minor who had not attained 12 years  
12 of age, such person shall be fined under this title and im-  
13 prisoned for not more than 20 years, or if”.

14 (b) CERTAIN ACTIVITIES RELATING TO MATERIAL  
15 CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—  
16 Section 2252A(b)(2) of title 18, United States Code, is  
17 amended by inserting after “but, if” the following: “any  
18 image of child pornography involved in the offense in-  
19 volved a prepubescent minor or a minor who had not at-  
20 tained 12 years of age, such person shall be fined under  
21 this title and imprisoned for not more than 20 years, or  
22 if”.

23 **SEC. 3. PROTECTION OF CHILD WITNESSES.**

24 (a) CIVIL ACTION TO RESTRAIN HARASSMENT OF A  
25 VICTIM OR WITNESS.—Section 1514 of title 18, United  
26 States Code, is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) by inserting “or its own motion,”  
4 after “attorney for the Government,”; and

5 (ii) by inserting “or investigation”  
6 after “Federal criminal case” each place it  
7 appears;

8 (B) by redesignating paragraphs (2), (3),  
9 and (4) as paragraphs (3), (4), and (5), respec-  
10 tively;

11 (C) by inserting after paragraph (1) the  
12 following:

13 “(2) In the case of a minor witness or victim,  
14 the court shall issue a protective order prohibiting  
15 harassment or intimidation of the minor victim or  
16 witness if the court finds evidence that the conduct  
17 at issue is reasonably likely to adversely affect the  
18 willingness of the minor witness or victim to testify  
19 or otherwise participate in the Federal criminal case  
20 or investigation. Any hearing regarding a protective  
21 order under this paragraph shall be conducted in ac-  
22 cordance with paragraphs (1) and (3), except that  
23 the court may issue an ex parte emergency protec-  
24 tive order in advance of a hearing if exigent cir-  
25 cumstances are present. If such an ex parte order is

1 applied for or issued, the court shall hold a hearing  
2 not later than 14 days after the date such order was  
3 applied for or is issued.”;

4 (D) in paragraph (4), as so redesignated,  
5 by striking “(and not by reference to the com-  
6 plaint or other document)”;

7 (E) in paragraph (5), as so redesignated,  
8 in the second sentence, by inserting before the  
9 period at the end the following: “, except that  
10 in the case of a minor victim or witness, the  
11 court may order that such protective order ex-  
12 pires on the later of 3 years after the date of  
13 issuance or the date of the eighteenth birthday  
14 of that minor victim or witness”;

15 (2) by striking subsection (c) and inserting the  
16 following:

17 “(c) Whoever knowingly and intentionally violates or  
18 attempts to violate an order issued under this section shall  
19 be fined under this title, imprisoned not more than 5  
20 years, or both.

21 “(d)(1) As used in this section—

22 “(A) the term ‘course of conduct’ means a se-  
23 ries of acts over a period of time, however short, in-  
24 dicating a continuity of purpose;

1           “(B) the term ‘harassment’ means a serious act  
2 or course of conduct directed at a specific person  
3 that—

4           “(i) causes substantial emotional distress  
5 in such person; and

6           “(ii) serves no legitimate purpose;

7           “(C) the term ‘immediate family member’ has  
8 the meaning given that term in section 115 and in-  
9 cludes grandchildren;

10          “(D) the term ‘intimidation’ means a serious  
11 act or course of conduct directed at a specific person  
12 that—

13          “(i) causes fear or apprehension in such  
14 person; and

15          “(ii) serves no legitimate purpose;

16          “(E) the term ‘restricted personal information’  
17 has the meaning give that term in section 119;

18          “(F) the term ‘serious act’ means a single act  
19 of threatening, retaliatory, harassing, or violent con-  
20 duct that is reasonably likely to influence the will-  
21 ingness of a victim or witness to testify or partici-  
22 pate in a Federal criminal case or investigation; and

23          “(G) the term ‘specific person’ means a victim  
24 or witness in a Federal criminal case or investiga-

1       tion, and includes an immediate family member of  
2       such a victim or witness.

3       “(2) For purposes of subparagraphs (B)(ii) and  
4 (D)(ii) of paragraph (1), a court shall presume, subject  
5 to rebuttal by the person, that the distribution or publica-  
6 tion using the Internet of a photograph of, or restricted  
7 personal information regarding, a specific person serves  
8 no legitimate purpose, unless that use is authorized by  
9 that specific person, is for news reporting purposes, is de-  
10 signed to locate that specific person (who has been re-  
11 ported to law enforcement as a missing person), or is part  
12 of a government-authorized effort to locate a fugitive or  
13 person of interest in a criminal, antiterrorism, or national  
14 security investigation.”.

15       (b) SENTENCING GUIDELINES.—Pursuant to its au-  
16 thority under section 994 of title 28, United States Code,  
17 and in accordance with this section, the United States  
18 Sentencing Commission shall review and, if appropriate,  
19 amend the Federal sentencing guidelines and policy state-  
20 ments to ensure—

21           (1) that the guidelines provide an additional  
22       penalty increase above the sentence otherwise appli-  
23       cable in Part J of Chapter 2 of the Guidelines Man-  
24       ual if the defendant was convicted of a violation of  
25       section 1591 of title 18, United States Code, or

1 chapters 109A, 109B, 110, or 117 of title 18,  
2 United States Code; and

3 (2) if the offense described in paragraph (1) in-  
4 volved causing or threatening to cause physical in-  
5 jury to a person under 18 years of age, in order to  
6 obstruct the administration of justice, an additional  
7 penalty increase above the sentence otherwise appli-  
8 cable in Part J of Chapter 2 of the Guidelines Man-  
9 ual.

10 **SEC. 4. SUBPOENAS TO FACILITATE THE ARREST OF FUGI-**  
11 **TIVE SEX OFFENDERS.**

12 (a) ADMINISTRATIVE SUBPOENAS.—

13 (1) IN GENERAL.—Section 3486(a)(1) of title  
14 18, United States Code, is amended—

15 (A) in subparagraph (A)—

16 (i) in clause (i), by striking “or” at  
17 the end;

18 (ii) by redesignating clause (ii) as  
19 clause (iii); and

20 (iii) by inserting after clause (i) the  
21 following:

22 “(ii) an unregistered sex offender conducted by  
23 the United States Marshals Service, the Director of  
24 the United States Marshals Service; or”; and

25 (B) in subparagraph (D)—

1 (i) by striking “paragraph, the term”  
2 and inserting the following: “paragraph—  
3 “(i) the term”;

4 (ii) by striking the period at the end  
5 and inserting “; and”; and

6 (iii) by adding at the end the fol-  
7 lowing:

8 “(ii) the term ‘sex offender’ means an indi-  
9 vidual required to register under the Sex Offender  
10 Registration and Notification Act (42 U.S.C. 16901  
11 et seq.).”.

12 (2) TECHNICAL AND CONFORMING AMEND-  
13 MENTS.—Section 3486(a) of title 18, United States  
14 Code, is amended—

15 (A) in paragraph (6)(A), by striking  
16 “United State” and inserting “United States”;

17 (B) in paragraph (9), by striking  
18 “(1)(A)(ii)” and inserting “(1)(A)(iii)”; and

19 (C) in paragraph (10), by striking “para-  
20 graph (1)(A)(ii)” and inserting “paragraph  
21 (1)(A)(iii)”.

22 (b) JUDICIAL SUBPOENAS.—Section 566(e)(1) of  
23 title 28, United States Code, is amended—

24 (1) in subparagraph (A), by striking “and” at  
25 the end;

1           (2) in subparagraph (B), by striking the period  
2           at the end and inserting “; and”; and

3           (3) by adding at the end the following:

4           “(C) issue administrative subpoenas in accord-  
5           ance with section 3486 of title 18, solely for the pur-  
6           pose of investigating unregistered sex offenders (as  
7           defined in such section 3486).”.

8   **SEC. 5. INCREASE IN FUNDING LIMITATION FOR TRAINING**  
9                           **COURSES FOR ICAC TASK FORCES.**

10          Section 102(b)(4)(B) of the PROTECT Our Children  
11   Act of 2008 (42 U.S.C. 17612(b)(4)(B)) is amended by  
12   striking “\$2,000,000” and inserting “\$4,000,000”.

13   **SEC. 6. NATIONAL COORDINATOR FOR CHILD EXPLOI-**  
14                           **TATION PREVENTION AND INTERDICTION.**

15          Section 101(d)(1) of the PROTECT Our Children  
16   Act of 2008 (42 U.S.C. 17611(d)(1)) is amended—

17           (1) by striking “to be responsible” and insert-  
18           ing the following: “with experience in investigating  
19           or prosecuting child exploitation cases as the Na-  
20           tional Coordinator for Child Exploitation Prevention  
21           and Interdiction who shall be responsible”; and

22           (2) by adding at the end the following: “The  
23           National Coordinator for Child Exploitation Preven-  
24           tion and Interdiction shall be a position in the Sen-  
25           ior Executive Service.”.

1 **SEC. 7. REAUTHORIZATION OF ICAC TASK FORCES.**

2 Section 107(a) of the PROTECT Our Children Act  
3 of 2008 (42 U.S.C. 17617(a)) is amended—

4 (1) in paragraph (4), by striking “and”;

5 (2) in paragraph (5), by striking the period at  
6 the end; and

7 (3) by inserting after paragraph (5) the fol-  
8 lowing:

9 “(6) \$60,000,000 for fiscal year 2014;

10 “(7) \$60,000,000 for fiscal year 2015;

11 “(8) \$60,000,000 for fiscal year 2016;

12 “(9) \$60,000,000 for fiscal year 2017; and

13 “(10) \$60,000,000 for fiscal year 2018.”.

14 **SEC. 8. CLARIFICATION OF “HIGH-PRIORITY SUSPECT”.**

15 Section 105(e)(1)(B)(i) of the PROTECT Our Chil-  
16 dren Act of 2008 (42 U.S.C. 17615(e)(1)(B)(i)) is amend-  
17 ed by striking “the volume” and all that follows through  
18 “or other”.

19 **SEC. 9. REPORT TO CONGRESS.**

20 Not later than 90 days after the date of enactment  
21 of this Act, the Attorney General shall submit to the Com-  
22 mittee on the Judiciary of the House of Representatives  
23 and the Committee on the Judiciary of the Senate a report  
24 on the status of the Attorney General’s establishment of  
25 the National Internet Crimes Against Children Data Sys-

1 tem required to be established under section 105 of the  
2 PROTECT Our Children Act of 2008 (42 U.S.C. 17615).

Passed the House of Representatives August 1,  
2012.

Attest:

*Clerk.*

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