

105TH CONGRESS
1ST SESSION

H. R. 1683

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1997

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To clarify the standards for State sex offender registration programs under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act.

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 “Jacob Wetterling
3 Crimes Against Children and Sexually Violent Offenders
4 Registration Improvements Act of 1997”.

5 **SEC. 2. STANDARDS FOR SEX OFFENDER REGISTRATION**
6 **PROGRAMS.**

7 (a) IN GENERAL.—Section 170101(a) of the Violent
8 Crime Control and Law Enforcement Act of 1994 (42
9 U.S.C. 14071(a)) is amended—

10 (1) in paragraph (1)—

11 (A) in subparagraph (A), by striking “with
12 a designated State law enforcement agency”;
13 and

14 (B) in subparagraph (B), by striking “with
15 a designated State law enforcement agency”;

16 (2) by striking paragraph (2) and inserting the
17 following:

18 “(2) DETERMINATION OF SEXUALLY VIOLENT
19 PREDATOR STATUS; WAIVER; ALTERNATIVE MEAS-
20 URES.—

21 “(A) IN GENERAL.—A determination of
22 whether a person is a sexually violent predator
23 for purposes of this section shall be made by a
24 court after considering the recommendation of
25 a board composed of experts in the behavior
26 and treatment of sex offenders, victims’ rights

1 advocates, and representatives of law enforce-
2 ment agencies.

3 “(B) WAIVER.—The Attorney General may
4 waive the requirements of subparagraph (A) if
5 the Attorney General determines that the State
6 has established alternative procedures or legal
7 standards for designating a person as a sexually
8 violent predator.

9 “(C) ALTERNATIVE MEASURES.—The At-
10 torney General may also approve alternative
11 measures of comparable or greater effectiveness
12 in protecting the public from unusually dan-
13 gerous or recidivistic sexual offenders in lieu of
14 the specific measures set forth in this section
15 regarding sexually violent predators.”; and
16 (3) in paragraph (3)—

17 (A) in subparagraph (A), by striking “that
18 consists of—” and inserting “in a range of of-
19 fenses specified by State law which is com-
20 parable to or which exceeds the following range
21 of offenses:”;

22 (B) in subparagraph (B), by striking “that
23 consists of” and inserting “in a range of of-
24 fenses specified by State law which is com-

parable to or which exceeds the range of offenses encompassed by”; and

(4) by adding at the end the following:

“(F) The term ‘employed, carries on a vocation’ includes employment that is full-time or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit; and

“(G) The term ‘student’ means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education.”.

(b) REQUIREMENTS UPON RELEASE, PAROLE, SUPERVISED RELEASE, OR PROBATION.—Section 170101(b) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(b)) is amended—

(1) in paragraph (1)—

(A) by striking the paragraph designation and heading and inserting the following:

“(1) DUTIES OF RESPONSIBLE OFFICIALS.—”;

1 (B) in subparagraph (A)—

2 (i) in the matter preceding clause (i),
3 by striking “or in the case of probation,
4 the court” and inserting “the court, or an-
5 other responsible officer or official”;

6 (ii) in clause (ii), by striking “give”
7 and all that follows before the semicolon
8 and inserting “report the change of ad-
9 dress as provided by State law”; and

10 (iii) in clause (iii), by striking “shall
11 register” and all that follows before the
12 semicolon and inserting “shall report the
13 change of address as provided by State law
14 and comply with any registration require-
15 ment in the new State of residence, and in-
16 form the person that the person must also
17 register in a State where the person is em-
18 ployed, carries on a vocation, or is a stu-
19 dent”; and

20 (C) in subparagraph (B), by striking “or
21 the court” and inserting “, the court, or an-
22 other responsible officer or official”;

23 (2) by striking paragraph (2) and inserting the
24 following:

1 “(2) TRANSFER OF INFORMATION TO STATE
2 AND FBI; PARTICIPATION IN NATIONAL SEX OF-
3 FENDER REGISTRY.—

4 “(A) STATE REPORTING.—State proce-
5 dures shall ensure that the registration infor-
6 mation is promptly made available to a law en-
7 forcement agency having jurisdiction where the
8 person expects to reside and entered into the
9 appropriate State records or data system. State
10 procedures shall also ensure that conviction
11 data and fingerprints for persons required to
12 register are promptly transmitted to the Fed-
13 eral Bureau of Investigation.

14 “(B) NATIONAL REPORTING.—A State
15 shall participate in the national database estab-
16 lished under section 170102(b) in accordance
17 with guidelines issued by the Attorney General,
18 including transmission of current address infor-
19 mation and other information on registrants to
20 the extent provided by the guidelines.”;

21 (3) in paragraph (3)(A)—

22 (A) in the matter preceding clause (i), by
23 striking “on each” and all that follows through
24 “applies:” and inserting the following: “State

1 procedures shall provide for verification of ad-
2 dress at least annually.”; and

3 (B) by striking clauses (i) through (v);

4 (4) in paragraph (4), by striking “section re-
5 ported” and all that follows before the period at the
6 end and inserting the following: “section shall be re-
7 ported by the person in the manner provided by
8 State law. State procedures shall ensure that the up-
9 dated address information is promptly made avail-
10 able to a law enforcement agency having jurisdiction
11 where the person will reside and entered into the ap-
12 propriate State records or data system”;

13 (5) in paragraph (5), by striking “shall reg-
14 ister” and all that follows before the period at the
15 end and inserting “and who moves to another State,
16 shall report the change of address to the responsible
17 agency in the State the person is leaving, and shall
18 comply with any registration requirement in the new
19 State of residence. The procedures of the State the
20 person is leaving shall ensure that notice is provided
21 promptly to an agency responsible for registration in
22 the new State, if that State requires registration”;
23 and

24 (6) by adding at the end the following:

1 “(7) REGISTRATION OF OUT-OF-STATE OF-
 2 FENDERS, FEDERAL OFFENDERS, PERSONS SEN-
 3 TENCED BY COURTS MARTIAL, AND OFFENDERS
 4 CROSSING STATE BORDERS.—As provided in guide-
 5 lines issued by the Attorney General, each State
 6 shall ensure that procedures are in place to accept
 7 registration information from—

8 “(A) persons who were convicted in an-
 9 other State, convicted of a Federal offense, or
 10 sentenced by a court martial; and

11 “(B) nonresident offenders who have
 12 crossed into another State in order to work or
 13 attend school.”.

14 (c) REGISTRATION OF OFFENDER CROSSING STATE
 15 BORDER.—Section 170101 of the Violent Crime Control
 16 and Law Enforcement Act of 1994 (42 U.S.C. 14071(c))
 17 is amended by redesignating subsections (c) through (f)
 18 as (d) through (g), respectively, and inserting after sub-
 19 section (b) the following:

20 “(c) REGISTRATION OF OFFENDER CROSSING STATE
 21 BORDER.—Any person who is required under this section
 22 to register in the State in which such person resides shall
 23 also register in any State in which the person is employed,
 24 carries on a vocation, or is a student.”.

1 (d) RELEASE OF INFORMATION.—Section
2 170101(e)(2) of the Violent Crime Control and Law En-
3 forcement Act of 1994 (42 U.S.C. 14071(e)(2)), as redes-
4 ignated by subsection (c) of this section, is amended by
5 striking “The designated” and all that follows through
6 “State agency” and inserting “The State or any agency
7 authorized by the State”.

8 (e) IMMUNITY FOR GOOD FAITH CONDUCT.—Section
9 170101(f) of the Violent Crime Control and Law Enforce-
10 ment Act of 1994 (42 U.S.C. 14071(f)), as redesignated
11 by subsection (c) of this section, is amended by striking
12 “, and State officials” and inserting “and independent
13 contractors acting at the direction of such agencies, and
14 State officials”.

15 (f) FBI REGISTRATION.—(1) Section 170102(a)(2)
16 of the Violent Crime Control and Law Enforcement Act
17 of 1994 (42 U.S.C. 14072(a)(2)) is amended by striking
18 “and ‘predatory’” and inserting the following: “‘preda-
19 tory’, ‘employed, or carries on a vocation’, and ‘student’”.

20 (2) Section 170102(a)(3) of the Violent Crime Con-
21 trol and Law Enforcement Act of 1994 (42 U.S.C.
22 14072(a)(3)) is amended—

23 (A) in subparagraph (A), by inserting “in a
24 range of offenses specified by State law which is
25 comparable to or exceeds that” before “described”;

1 (B) by amending subparagraph (B) to read as
2 follows:

3 “(B) participates in the national database
4 established under subsection (b) of this section
5 in conformity with guidelines issued by the At-
6 torney General;”; and

7 (C) by amending subparagraph (C) to read as
8 follows:

9 “(C) provides for verification of address at
10 least annually;”.

11 (g) PAM LYCHNER SEXUAL OFFENDER TRACKING
12 AND IDENTIFICATION ACT OF 1996.—Section 10 of the
13 Pam Lychner Sexual Offender Tracking and Identification
14 Act of 1996 is amended by inserting at the end the follow-
15 ing:

16 “(d) EFFECTIVE DATE.—States shall be allowed the
17 time specified in subsection (b) to establish minimally suf-
18 ficient sexual offender registration programs for purposes
19 of the amendments made by section 2. Subsections (c) and
20 (k) of section 170102 of the Violent Crime Control and
21 Law Enforcement Act of 1994, and any requirement to
22 issue related regulations, shall take effect at the conclu-
23 sion of the time provided under this subsection for the es-
24 tablishment of minimally sufficient sexual offender reg-
25 istration programs.”.

1 (h) FEDERAL OFFENDERS AND MILITARY PERSON-
2 NEL.—(1) Section 4042 of title 18, United States Code,
3 is amended—

4 (A) in subsection (a)(5), by striking “subsection
5 (b)” and inserting “subsections (b) and (c)”;

6 (B) in subsection (b), by striking paragraph
7 (4);

8 (C) by redesignating subsection (c) as sub-
9 section (d); and

10 (D) by inserting after subsection (b) the follow-
11 ing:

12 “(c) NOTICE OF SEX OFFENDER RELEASE.—(1) In
13 the case of a person described in paragraph (4) who is
14 released from prison or sentenced to probation, notice
15 shall be provided to—

16 “(A) the chief law enforcement officer of the
17 State and of the local jurisdiction in which the per-
18 son will reside; and

19 “(B) a State or local agency responsible for the
20 receipt or maintenance of sex offender registration
21 information in the State or local jurisdiction in
22 which the person will reside.

23 The notice requirements under this subsection do not
24 apply in relation to a person being protected under chapter
25 224.

1 “(2) Notice provided under paragraph (1) shall in-
2 clude the information described in subsection (b)(2), the
3 place where the person will reside, and the information
4 that the person shall be subject to a registration require-
5 ment as a sex offender. For a person who is released from
6 the custody of the Bureau of Prisons whose expected place
7 of residence following release is known to the Bureau of
8 Prisons, notice shall be provided at least 5 days prior to
9 release by the Director of the Bureau of Prisons. For a
10 person who is sentenced to probation, notice shall be pro-
11 vided promptly by the probation officer responsible for the
12 supervision of the person, or in a manner specified by the
13 Director of the Administrative Office of the United States
14 Courts. Notice concerning a subsequent change of resi-
15 dence by a person described in paragraph (4) during any
16 period of probation, supervised release, or parole shall also
17 be provided to the agencies and officers specified in para-
18 graph (1) by the probation officer responsible for the su-
19 pervision of the person, or in a manner specified by the
20 Director of the Administrative Office of the United States
21 Courts.

22 “(3) The Director of the Bureau of Prisons shall in-
23 form a person described in paragraph (4) who is released
24 from prison that the person shall be subject to a registra-
25 tion requirement as a sex offender in any State in which

1 the person resides, is employed, carries on a vocation, or
2 is a student (as such terms are defined for purposes of
3 section 170101(a)(3) of the Violent Crime Control and
4 Law Enforcement Act of 1994), and the same information
5 shall be provided to a person described in paragraph (4)
6 who is sentenced to probation by the probation officer re-
7 sponsible for supervision of the person or in a manner
8 specified by the Director of the Administrative Office of
9 the United States Courts.

10 “(4) A person is described in this paragraph if the
11 person was convicted of any of the following offenses (in-
12 cluding such an offense prosecuted pursuant to section
13 1152 or 1153):

14 “(A) An offense under section 1201 involving a
15 minor victim.

16 “(B) An offense under chapter 109A.

17 “(C) An offense under chapter 110.

18 “(D) An offense under chapter 117.

19 “(E) Any other offense designated by the Attor-
20 ney General as a sexual offense for purposes of this
21 subsection.

22 “(5) The United States and its agencies, officers, and
23 employees shall be immune from liability based on good
24 faith conduct in carrying out this subsection and sub-
25 section (b).”.

1 (2)(A) Section 3563(a) of title 18, United States
2 Code, is amended by striking the matter at the end of
3 paragraph (7) beginning with “The results of a drug test”
4 and all that follows through the end of such paragraph
5 and inserting that matter at the end of section 3563.

6 (B) The matter inserted by subparagraph (A) at the
7 end of section 3563 is amended—

8 (i) by striking “The results of a drug test” and
9 inserting the following:

10 “(e) RESULTS OF DRUG TESTING.—The results of
11 a drug test”; and

12 (ii) by striking “paragraph (4)” each place it
13 appears and inserting “subsection (a)(5)”.

14 (C) Section 3563(a) of title 18, United States Code,
15 is amended—

16 (i) so that paragraphs (6) and (7) appear in
17 numerical order immediately after paragraph (5);

18 (ii) by striking “and” at the end of paragraph
19 (6);

20 (iii) in paragraph (7), by striking “assess-
21 ments.” and inserting “assessments; and”; and

22 (iv) by inserting immediately after paragraph
23 (7) (as moved by clause (i)) the following new para-
24 graph:

1 “(8) for a person described in section
2 4042(c)(4), that the person report the address where
3 the person will reside and any subsequent change of
4 residence to the probation officer responsible for su-
5 pervision, and that the person register in any State
6 where the person resides, is employed, carries on a
7 vocation, or is a student (as such terms are defined
8 under section 170101(a)(3) of the Violent Crime
9 Control and Law Enforcement Act of 1994).”.

10 (D) Section 3583(d) of title 18, United States Code,
11 is amended by inserting after the second sentence the fol-
12 lowing: “The court shall order, as an explicit condition of
13 supervised release for a person described in section
14 4042(c)(4), that the person report the address where the
15 person will reside and any subsequent change of residence
16 to the probation officer responsible for supervision, and
17 that the person register in any State where the person
18 resides, is employed, carries on a vocation, or is a student
19 (as such terms are defined under section 170101(a)(3) of
20 the Violent Crime Control and Law Enforcement Act of
21 1994).”.

22 (E) Section 4209(a) of title 18, United States Code,
23 insofar as such section remains in effect with respect to
24 certain individuals, is amended by inserting after the first
25 sentence the following: “In every case, the Commission

1 shall impose as a condition of parole for a person described
2 in section 4042(c)(4), that the parolee report the address
3 where the parolee will reside and any subsequent change
4 of residence to the probation officer responsible for supervision,
5 and that the parolee register in any State where
6 the parolee resides, is employed, carries on a vocation, or
7 is a student (as such terms are defined under section
8 170101(a)(3) of the Violent Crime Control and Law Enforcement
9 Act of 1994).”.

10 (3)(A) The Secretary of Defense shall specify categories
11 of conduct punishable under the Uniform Code of Military Justice
12 which encompass a range of conduct comparable to that described
13 in section 170101(a)(3)(A) and (B) of the Violent Crime Control
14 and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(3)(A) and (B)),
15 and such other conduct as the Secretary deems appropriate for
16 inclusion for purposes of this paragraph.

17 (B) In relation to persons sentenced by a court martial
18 for conduct in the categories specified under subparagraph (A),
19 the Secretary shall prescribe procedures and implement a system to—

- 22 (i) provide notice concerning the release from
23 confinement or sentencing of such persons;
- 24 (ii) inform such persons concerning registration
25 obligations; and

1 (iii) track and ensure compliance with registra-
2 tion requirements by such persons during any period
3 of parole, probation, or other conditional release or
4 supervision related to the offense.

5 (C) The procedures and requirements established by
6 the Secretary under this paragraph shall, to the maximum
7 extent practicable, be consistent with those specified for
8 Federal offenders under the amendments made by para-
9 graphs (1) and (2).

10 (D) If a person within the scope of this paragraph
11 is confined in a facility under the control of the Bureau
12 of Prisons at the time of release, the Bureau of Prisons
13 shall provide notice of release and inform the person con-
14 cerning registration obligations under the procedures spec-
15 ified in section 4042(c) of title 18, United States Code.

16 (i) PROTECTED WITNESS REGISTRATION.—Section
17 3521(b)(1) of title 18, United States Code, is amended—

18 (1) by striking “and” at the end of subpara-
19 graph (G);

20 (2) by redesignating subparagraph (H) as sub-
21 paragraph (I); and

22 (3) by inserting after subparagraph (G) the fol-
23 lowing:

24 “(H) protect the confidentiality of the identity
25 and location of persons subject to registration re-

1 quirements as convicted offenders under Federal or
2 State law, including prescribing alternative proce-
3 dures to those otherwise provided by Federal or
4 State law for registration and tracking of such per-
5 sons; and”.

6 **SEC. 3. SENSE OF CONGRESS AND REPORT RELATING TO**
7 **STALKING LAWS.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that each State should have in effect a law that
10 makes it a crime to stalk any individual, especially chil-
11 dren, without requiring that such individual be physically
12 harmed or abducted before a stalker is restrained or pun-
13 ished.

14 (b) REPORT.—The Attorney General shall include in
15 an annual report under section 40610 of the Violent Crime
16 Control and Law Enforcement Act of 1994 (42 U.S.C.
17 14039) information concerning existing or proposed State
18 laws and penalties for stalking crimes against children.

19 **SEC. 4. EFFECTIVE DATE.**

20 This Act shall take effect on the date of the enact-
21 ment of this Act, except that—

22 (1) paragraphs (1), (2), and (3) of section 2(h)
23 shall take effect 1 year after the date of the enact-
24 ment of this Act; and

1 (2) States shall have 3 years from such date of
2 enactment to implement amendments made by this
3 Act which impose new requirements under the Jacob
4 Wetterling Crimes Against Children and Sexually
5 Violent Offender Registration Act, and the Attorney
6 General may grant an additional 2 years to a State
7 that is making good faith efforts to implement these
8 amendments.

Passed the House of Representatives September 23,
1997.

Attest:

ROBIN H. CARLE,

Clerk.

By JEFF TRANDAHL,

Deputy Clerk.