

105TH CONGRESS
2D SESSION

S. 1987

To amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 24, 1998

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

A BILL

To amend title 18, United States Code, with respect to violent sex crimes against children, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Child Protection and Sexual Predator Punishment Act
6 of 1998”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PROTECTING CHILDREN FROM SEXUAL PREDATORS
AND COMPUTER PORNOGRAPHY

- Sec. 101. Contacting minors for sexual purposes.
 Sec. 102. Transfer of obscene material to minors.
 Sec. 103. Increased prison sentences for enticement of minors.
 Sec. 104. Increased penalties for certain activities relating to material involving
 the sexual exploitation of minors or child pornography and
 technical correction.
 Sec. 105. Criminal forfeiture for solicitation of minors and interstate prostitu-
 tion.
 Sec. 106. Pretrial detention of child sex offenders.
 Sec. 107. Increased prison sentences.
 Sec. 108. Repeat offenders in transportation offense.

TITLE II—PUNISHING SEXUAL PREDATORS

- Sec. 201. Sentencing enhancement in section 2423 cases.
 Sec. 202. Increased penalties for transportation of minors or assumed minors
 for illegal sexual activity and related crimes.
 Sec. 203. Increased penalties for abusive sexual contact.
 Sec. 204. Repeat offenders in sexual abuse cases.
 Sec. 205. Civil remedy for personal injuries resulting from certain sex crimes
 against children.
 Sec. 206. Elimination of redundancy and ambiguities.

TITLE III—FEDERAL INVESTIGATIONS OF SEX CRIMES AGAINST
CHILDREN AND SERIAL KILLERS

- Sec. 301. Administrative subpoenas.
 Sec. 302. Kidnapping.
 Sec. 303. Murder.
 Sec. 304. Morgan P. Hardiman Child Abduction and Serial Murder Investiga-
 tive Resources Center.

TITLE IV—MISCELLANEOUS PROVISIONS

- Sec. 401. Establishment of general attempt offense.
 Sec. 402. Rationalization of conspiracy penalty and establishment of renunci-
 ation defense.

1 **TITLE I—PROTECTING CHILD-**
 2 **DREN FROM SEXUAL PREDA-**
 3 **TORS AND COMPUTER POR-**
 4 **NOGRAPHY**

5 **SEC. 101. CONTACTING MINORS FOR SEXUAL PURPOSES.**

6 Section 2422 of title 18, United States Code, is
 7 amended by adding at the end the following:

1 “(c) CONTACTING MINORS FOR SEXUAL PUR-
2 POSES.—Whoever, using the mail or any facility or means
3 of interstate or foreign commerce, or within the special
4 maritime and territorial jurisdiction of the United States,
5 knowingly contacts an individual who has not attained the
6 age of 18 years, or knowingly contacts an individual who
7 has been represented to the person making the contact
8 as not having attained the age of 18 years, for the purpose
9 of engaging in any sexual activity with a person who has
10 not attained the age of 18 years, for which any person
11 may be criminally prosecuted, or attempts to do so, shall
12 be fined under this title, imprisoned not more than 5
13 years, or both.”.

14 **SEC. 102. TRANSFER OF OBSCENE MATERIAL TO MINORS.**

15 (a) IN GENERAL.—Chapter 71 of title 18, United
16 States Code, is amended by adding at the end the follow-
17 ing:

18 **“§ 1470. Transfer of obscene material to minors**

19 “Whoever, using the mail or any facility or means
20 of interstate or foreign commerce—

21 “(1) knowingly transfers obscene matter to an
22 individual who has not attained the age of 18 years,
23 or attempts to do so; or

1 “(2) knowingly transfers obscene matter to an
 2 individual who has been represented to the trans-
 3 feror as not having attained the age of 18 years;
 4 shall be fined under this title, imprisoned not more than
 5 5 years, or both.”.

6 (b) TECHNICAL AMENDMENT.—The analysis for
 7 chapter 71 of title 18, United States Code, is amended
 8 by adding at the end the following:

“1470. Transfer of obscene material to minors.”.

9 **SEC. 103. INCREASED PRISON SENTENCES FOR ENTICE-**
 10 **MENT OF MINORS.**

11 Section 2422 of title 18, United States Code, is
 12 amended—

13 (1) in subsection (a)—

14 (A) by inserting “or attempts to do so,”
 15 before “shall”; and

16 (B) by adding at the end the following: “If
 17 the individual had not attained the age of 18
 18 years at the time of the offense, the maximum
 19 imprisonment for an offense under this sub-
 20 section is 10 years.”; and

21 (2) in subsection (b), by striking “10” and in-
 22 serting “15”.

1 **SEC. 104. INCREASED PENALTIES FOR CERTAIN ACTIVITIES**
 2 **RELATING TO MATERIAL INVOLVING THE**
 3 **SEXUAL EXPLOITATION OF MINORS OR**
 4 **CHILD PORNOGRAPHY AND TECHNICAL COR-**
 5 **RECTION.**

6 (a) INCREASED PENALTIES IN SECTION 2252.—Sec-
 7 tion 2252(b) of title 18, United States Code, is amended—

8 (1) in each of paragraphs (1) and (2), by strik-
 9 ing “or chapter 109A” and inserting “chapter 109A,
 10 or chapter 117”; and

11 (2) in paragraph (2), by inserting “the offense
 12 consisted of the possession of 50 or more items of
 13 the sort described in subsection (a)(4) or” after “if”.

14 (b) INCREASED PENALTIES IN SECTION 2252A.—
 15 Section 2252A(b)(2) of title 18, United States Code, is
 16 amended by inserting “the offense consisted of the posses-
 17 sion of 50 or more images of the sort described in sub-
 18 section (a)(4) or” after “if”.

19 (c) OTHER AMENDMENTS.—Chapter 110 of title 18,
 20 United States Code, is amended—

21 (1) in section 2251—

22 (A) in subsection (a), by striking “if such
 23 person knows” and all that follows before the
 24 period and inserting the following: “if—

1 “(1) such person knows or has reason to know
2 that such visual depiction will be transported in
3 interstate or foreign commerce or mailed;

4 “(2) such visual depiction has actually been
5 transported in interstate or foreign commerce or
6 mailed; or

7 “(3) such visual depiction is produced with ma-
8 terials that have been mailed, shipped, or trans-
9 ported in interstate or foreign commerce by any
10 means, including by computer”; and

11 (B) in subsection (b), by striking “if such
12 parent, legal” and all that follows before the pe-
13 riod and inserting the following: “if—

14 “(1) such parent, legal guardian, or person
15 knows or has reason to know that such visual depic-
16 tion will be transported in interstate or foreign com-
17 merce or mailed;

18 “(2) such visual depiction has actually been
19 transported in interstate or foreign commerce or
20 mailed; or

21 “(3) such visual depiction is produced with ma-
22 terials that have been mailed, shipped, or trans-
23 ported in interstate or foreign commerce by any
24 means, including by computer”;

(2) in section 2252(a), by striking paragraph
(4) and inserting the following:

“(4) either—

“(A) in the special maritime and territorial
jurisdiction of the United States, or on any
land or building owned by, leased to, or other-
wise used by or under the control of the Gov-
ernment of the United States, or in the Indian
country (as defined in section 1151), knowingly
possesses—

“(i) 1 or more books, magazines, peri-
odicals, films, video tapes, computer disks,
or other matter that contain any visual de-
piction, if—

“(I) the producing of such visual
depiction involves the use of a minor
engaging in sexually explicit conduct;
and

“(II) such visual depiction is of
such conduct; or

“(ii) any book, magazine, periodical,
film, videotape, computer disk, or any
other material that contains 1 or more vis-
ual depictions, if—

1 “(I) the producing of each visual
2 depiction involves the use of a minor
3 engaging in sexually explicit conduct;
4 and

5 “(II) each visual depiction is of
6 such conduct; or

7 “(B) knowingly possesses—

8 “(i) 1 or more books, magazines, peri-
9 odicals, films, video tapes, or other matter
10 that contain any visual depiction that has
11 been mailed, or has been shipped or trans-
12 ported in interstate or foreign commerce,
13 or that was produced using materials that
14 have been mailed or so shipped or trans-
15 ported, by any means including by com-
16 puter, if—

17 “(I) the producing of such visual
18 depiction involves the use of a minor
19 engaging in sexually explicit conduct;
20 and

21 “(II) such visual depiction is of
22 such conduct; or

23 “(ii) any book, magazine, periodical,
24 film, videotape, computer disk, or any

1 other material that contains 1 or more vis-
 2 ual depictions, if—

3 “(I) the producing of each visual
 4 depiction involves the use of a minor
 5 engaging in sexually explicit conduct;
 6 and

7 “(II) each visual depiction is of
 8 such conduct;”; and

9 (3) in section 2259(a), by inserting “or chapter
 10 117” before the period at the end.

11 **SEC. 105. CRIMINAL FORFEITURE FOR SOLICITATION OF**
 12 **MINORS AND INTERSTATE PROSTITUTION.**

13 Section 2253(a) of title 18, United States Code, is
 14 amended by striking “or 2252 of this chapter” and insert-
 15 ing “2252, 2252A, or 2260 of this chapter, or who is con-
 16 victed of an offense under section 2421, 2422, or 2423
 17 of chapter 117”.

18 **SEC. 106. PRETRIAL DETENTION OF CHILD SEX**
 19 **OFFENDERS.**

20 Section 3156(a)(4)(C) of title 18, United States
 21 Code, is amended to read as follows:

22 “(C) any felony under chapter 109A, chap-
 23 ter 110, or chapter 117; and”.

1 **SEC. 107. INCREASED PRISON SENTENCES.**

2 Section 2422(b) of title 18, United States Code, is
 3 amended by adding at the end the following: “If, during
 4 the course of committing the offense under this sub-
 5 section, the defendant used a computer to transmit a com-
 6 munication to the minor, the minimum term of imprison-
 7 ment for the offense under this subsection is 3 years.”.

8 **SEC. 108. REPEAT OFFENDERS IN TRANSPORTATION**
 9 **OFFENSE.**

10 (a) **GENERALLY.**—Chapter 117 of title 18, United
 11 States Code, is amended by adding at the end the follow-
 12 ing:

13 **“§ 2425. Repeat offenders**

14 “(a) **MAXIMUM TERM OF IMPRISONMENT.**—The
 15 maximum term of imprisonment for a violation of this
 16 chapter after a prior sex offense conviction shall be twice
 17 the term otherwise provided by this chapter.

18 “(b) **DEFINITION OF PRIOR SEX CONVICTION.**—In
 19 this section, the term ‘prior sex offense conviction’ means
 20 a conviction for an offense—

21 “(1) under this chapter, chapter 109A, chapter
 22 110, or chapter 117; or

23 “(2) under State law for an offense consisting
 24 of conduct that would have been an offense under a
 25 chapter referred to in paragraph (1) if the conduct
 26 had occurred within the special maritime and terri-

1 torial jurisdiction of the United States or in any
 2 Territory or Possession of the United States.”.

3 (b) TECHNICAL AMENDMENT.—The analysis for
 4 chapter 117 of title 18, United States Code, is amended
 5 by adding at the end the following:

“2425. Repeat offenders.”.

6 **TITLE II—PUNISHING SEXUAL** 7 **PREDATORS**

8 **SEC. 201. SENTENCING ENHANCEMENT IN SECTION 2423** 9 **CASES.**

10 (a) IN GENERAL.—Pursuant to its authority under
 11 section 994(p) of title 28, United States Code, the United
 12 States Sentencing Commission shall review and amend the
 13 Federal sentencing guidelines to provide a sentencing en-
 14 hancement for any offense listed in section 2423 of title
 15 18, United States Code.

16 (b) INSTRUCTION TO COMMISSION.—The United
 17 States Sentencing Commission shall ensure that the sen-
 18 tences, guidelines, and policy statements for offenders con-
 19 victed of offenses described in subsection (a) are appro-
 20 priately severe and reasonably consistent with other rel-
 21 evant directives and with other Federal sentencing guide-
 22 lines.

1 **SEC. 202. INCREASED PENALTIES FOR TRANSPORTATION**
 2 **OF MINORS OR ASSUMED MINORS FOR ILLE-**
 3 **GAL SEXUAL ACTIVITY AND RELATED**
 4 **CRIMES.**

5 Section 2423 of title 18, United States Code, is
 6 amended to read as follows:

7 **§ “2423. Transportation of minors and assumed mi-**
 8 **nors**

9 “(a) TRANSPORTATION WITH INTENT TO ENGAGE
 10 IN CRIMINAL SEXUAL ACTIVITY.—A person who know-
 11 ingly—

12 “(1) transports an individual who has not at-
 13 tained the age of 18 years; or

14 “(2) transports an individual, who has been
 15 represented to the person as not having attained the
 16 age of 18 years;

17 in interstate or foreign commerce, or in any Territory or
 18 Possession of the United States, with intent that the indi-
 19 vidual engage in prostitution, or in any sexual activity for
 20 which any person can be charged with a criminal offense,
 21 shall be fined under this title, imprisoned not more than
 22 15 years, or both.

23 “(b) TRAVEL WITH INTENT TO ENGAGE IN SEXUAL
 24 ACT WITH A JUVENILE.—A person who travels in inter-
 25 state commerce, or conspires to do so, or a United States
 26 citizen or an alien admitted for permanent residence in

1 the United States who travels in foreign commerce, or con-
 2 spires to do so, for the purpose of engaging in any sexual
 3 activity for which any person can be charged with a crimi-
 4 nal offense, with another person who has not attained the
 5 age of 18 years, or who has been represented to the person
 6 as not having attained the age of 18 years, shall be fined
 7 under this title, imprisoned not more than 15 years, or
 8 both.”.

9 **SEC. 203. INCREASED PENALTIES FOR ABUSIVE SEXUAL**
 10 **CONTACT.**

11 Section 2244 of title 18, United States Code, is
 12 amended by adding at the end the following:

13 “(c) OFFENSES INVOLVING YOUNG CHILDREN.—If
 14 the sexual contact that violates this section is with an indi-
 15 vidual who has not attained the age of 12 years, the maxi-
 16 mum term of imprisonment that may be imposed for the
 17 offense shall be twice that otherwise provides in this sec-
 18 tion.”.

19 **SEC. 204. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.**

20 Section 2247 of title 18, United States Code, is
 21 amended to read as follows:

22 **“§ 2247. Repeat offenders**

23 “(a) MAXIMUM TERM OF IMPRISONMENT.—The
 24 maximum term of imprisonment for a violation of this

1 chapter after a prior sex offense conviction shall be twice
 2 the term otherwise provided by this chapter.

3 “(b) DEFINITION OF PRIOR SEX OFFENSE CONVIC-
 4 TION.—In this section, the term ‘prior sex offense convic-
 5 tion’ has the meaning given the term in section 2425.”.

6 **SEC. 205. CIVIL REMEDY FOR PERSONAL INJURIES RE-**
 7 **SULTING FROM CERTAIN SEX CRIMES**
 8 **AGAINST CHILDREN.**

9 Section 2255 of title 18, United States Code, is
 10 amended by striking “2251 or 2252” and inserting
 11 “2241(c), 2243, 2251, 2252, 2421, 2422, or 2423”.

12 **SEC. 206. ELIMINATION OF REDUNDANCY AND AMBIGU-**
 13 **ITIES.**

14 (a) ELIMINATION OF REDUNDANCY.—Section
 15 2241(c) of title 18, United States Code, is amended to
 16 read as follows:

17 “(c) IN GENERAL.—Any person who—

18 “(1) crosses a State line with the intent to en-
 19 gage in a sexual activity with an individual who has
 20 not attained the age of 12 years, and subsequently
 21 engages or attempts to engage in that activity with
 22 that individual;

23 “(2) crosses a State line with the intent to en-
 24 gage in a sexual activity with an individual who has
 25 attained the age of 12 years, but who has not at-

1 tained the age of 18 years, and who is not less 4
 2 years younger than that person, and subsequently
 3 engages or attempts to engage in that activity with
 4 that individual; or

5 “(3) engages in an aggravated sexual activity
 6 under the circumstances described in subsections (a)
 7 and (b) with an individual who has attained the age
 8 of 12 years, but who has not attained the age of 18
 9 years;

10 shall be fined under this title, imprisoned not more than
 11 15 years or for life, or both.”.

12 (b) ELIMINATION OF REDUNDANCY.—Section
 13 2243(a) of title 18, United States Code, is amended by
 14 striking “crosses a State line with intent to engage in a
 15 sexual act with a person who has not attained the age
 16 of 12 years, or”.

17 (c) DEFINITION OF STATE.—Section 2246 of title 18,
 18 United States Code, is amended—

19 (1) in paragraph (5), by striking the period and
 20 inserting a semicolon; and

21 (2) by adding at the end the following:

22 “(6) the term ‘State’ means each of the several
 23 States of the United States, the District of Colum-
 24 bia, and the commonwealths, territories, and posses-
 25 sions of the United States.”.

1 **TITLE III—FEDERAL INVESTIGA-**
 2 **TIONS OF SEX CRIMES**
 3 **AGAINST CHILDREN AND SE-**
 4 **RIAL KILLERS**

5 **SEC. 301. ADMINISTRATIVE SUBPOENAS.**

6 (a) IN GENERAL.—Chapter 203 of title 18, United
 7 States Code, is amended by adding at the end the follow-
 8 ing:

9 **“§ 3064. Administrative subpoenas**

10 “(a) AUTHORIZATION OF USE.—In an investigation
 11 of an alleged violation of chapter 53, chapter 109A, or
 12 chapter 117, in which a victim is an individual who has
 13 not, or who has been represented not to have, attained
 14 the age of 18 years, the Attorney General may subpoena
 15 witnesses, compel the production of any records (including
 16 books, papers, documents, electronic data, and other tan-
 17 gible things that constitute or contain evidence) that the
 18 Attorney General finds relevant or material to the inves-
 19 tigation. The attendance of witnesses and the production
 20 of records may be required from any place in any State
 21 or in any territory or other place subject to the jurisdiction
 22 of the United States at any designated place of hearing,
 23 except that a witness shall not be required to appear at
 24 any hearing more than 500 miles distant from the location
 25 at which the witness was served with a subpoena. Wit-

1 nesses summoned under this section shall be paid the
2 same fees and commissions that are paid witnesses in the
3 courts of the United States.

4 “(b) SERVICE.—A subpoena issued under this section
5 may be served by any person designated in the subpoena
6 to serve it. Service upon a natural person may be made
7 by personal delivery of the subpoena to that person or by
8 certified mail with return receipt requested. Service may
9 be made upon a domestic or foreign corporation or upon
10 a partnership or other unincorporated association that is
11 subject to suit under a common name, by delivering the
12 subpoena to an officer, to a managing or general agent,
13 or any other agent authorized by appointment or by law
14 to receive service of process. The affidavit of the person
15 serving the subpoena entered on a true copy thereof by
16 the person serving it shall be proof of service.

17 “(c) ENFORCEMENT.—In the case of contumacy by
18 or the refusal to obey a subpoena issued to any person
19 under this section, the Attorney General may invoke the
20 aid of any court of the United States within the jurisdic-
21 tion of which the investigation is carried on, or of which
22 the person is an inhabitant or in which the person carries
23 on business or may be found, to compel compliance with
24 the subpoena. The court may issue an order requiring the
25 subpoenaed person to appear before the Attorney General

1 to produce records, if so ordered, or to give testimony re-
 2 garding the matter under investigation. Any failure to
 3 obey the order of the court may be punished by the court
 4 as contempt thereof. All process in any such case may be
 5 served in any judicial district in which such person may
 6 be found.”.

7 (b) TECHNICAL AMENDMENT.—The analysis for
 8 chapter 203 of title 18, United States Code, is amended
 9 by adding at the end the following:

“3064. Administrative subpoenas.”.

10 **SEC. 302. KIDNAPPING.**

11 (a) 24-HOUR RULE.—Section 1201(b) of title 18,
 12 United States Code, is amended by adding at the end the
 13 following: “However, the fact that the presumption under
 14 this section has not yet taken effect does not preclude a
 15 Federal investigation of a possible violation of this section
 16 before the 24-hour period has expired.”.

17 (b) JURISDICTIONAL ELEMENTS.—Section 1201(a)
 18 of title 18, United States Code, is amended—

19 (1) in paragraph (4), by striking “or” at the
 20 end;

21 (2) in paragraph (5), by adding “or” at the
 22 end; and

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

24 “(6) the offender travels in interstate or foreign
 25 commerce, or the mail or any facility or means of

1 interstate or foreign commerce is used in further-
 2 ance of the offense;”.

3 (c) CLARIFICATION OF ELEMENT OF OFFENSE.—
 4 Section 1201(a) of title 18, United States Code, is amend-
 5 ed by inserting “, regardless of whether such person was
 6 alive when transported across a State boundary provided
 7 the person was alive when the transportation began” be-
 8 fore the semicolon at the end of paragraph (1);

9 **SEC. 303. MURDER**

10 (a) NEW OFFENSE OF CROSSING STATE LINES WITH
 11 INTENT TO COMMIT MURDER.—Chapter 51 of title 18,
 12 United States Code, is amended by adding at the end the
 13 following:

14 **“§ 1123. Crossing State lines with intent to commit**
 15 **murder**

16 “(a) IN GENERAL.—Whoever travels across a State
 17 line or enters or leaves Indian country with the intent to
 18 engage in conduct that constitutes murder in the first de-
 19 gree (as defined in section 1111) shall be imprisoned for
 20 life and, if death results, may be sentenced to death.

21 “(b) PROSECUTION.—No prosecution for any offense
 22 described in this section shall be undertaken by the United
 23 States except on written certification of the Attorney Gen-
 24 eral (or the highest ranking subordinate of the Attorney
 25 General with responsibility for criminal prosecutions) that,

1 in the judgment of the certifying official, the conduct in-
 2 tended to be engaged in was a serial killing. A certification
 3 under this subsection shall not be reviewable in any court.

4 “(c) DEFINITIONS.—In this section—

5 “(1) the term ‘serial killing’ means 1 in a series
 6 of 3 or more killings during separate criminal epi-
 7 sodes, not less than 1 of which is committed in the
 8 United States having common characteristics that
 9 suggest the reasonable possibility the killings were
 10 committed by the same actor or actors; and

11 “(2) the term ‘State’ means a State, the Dis-
 12 trict of Columbia, and any commonwealth, territory,
 13 or possession of the United States.”.

14 (b) TECHNICAL AMENDMENT.—The analysis for
 15 chapter 51 of title 18, United States Code, is amended
 16 by adding at the end the following:

“1123. Crossing State lines with intent to commit murder.”.

17 **SEC. 304. MORGAN P. HARDIMAN CHILD ABDUCTION AND**
 18 **SERIAL MURDER INVESTIGATIVE RE-**
 19 **SOURCES CENTER.**

20 (a) ESTABLISHMENT.—Not later than 90 days after
 21 the date of enactment of this Act, the Attorney General
 22 shall establish within the Federal Bureau of Investigation
 23 a Child Abduction and Serial Murder Investigative Re-
 24 sources Center to be known as the “Morgan P. Hardiman
 25 Child Abduction and Serial Murder Investigative Re-

1 sources Center” (in this section referred to as the
2 “CASMIRC”).

3 (b) PURPOSE.—The CASMIRC shall be managed by
4 the National Center for the Analysis of Violent Crime of
5 the Critical Incident Response Group of the Federal Bu-
6 reau of Investigation (in this section referred to as the
7 “NCAVC”), and by multidisciplinary resource teams in
8 Federal Bureau of Investigation field offices, in order to
9 provide investigative support through the coordination and
10 provision of Federal law enforcement resources, training,
11 and application of other multidisciplinary expertise, to as-
12 sist Federal, State, and local authorities in matters involv-
13 ing child abductions, mysterious disappearance of chil-
14 dren, child homicide, and serial murder across the coun-
15 try. The CASMIRC shall be co-located with the NCAVC.

16 (c) DUTIES OF THE CASMIRC.—The CASMIRC
17 shall perform such duties as the Attorney General deter-
18 mines appropriate to carry out the purposes of the
19 CASMIRC, including—

20 (1) identifying, developing, researching, acquir-
21 ing, and refining multidisciplinary information and
22 specialties to provide for the most current expertise
23 available to advance investigative knowledge and
24 practices used in child abduction, mysterious dis-

1 appearance of children, child homicide, and serial
2 murder investigations;

3 (2) providing advice and coordinating the appli-
4 cation of current and emerging technical, forensic,
5 and other Federal assistance to Federal, State, and
6 local authorities in child abduction, mysterious dis-
7 appearances of children, child homicide, and serial
8 murder investigations;

9 (3) providing investigative support, research
10 findings, and violent crime analysis to Federal,
11 State, and local authorities in child abduction, mys-
12 terious disappearances of children, child homicide,
13 and serial murder investigations;

14 (4) providing, if requested by a Federal, State,
15 or local law enforcement agency, on site consultation
16 and advice in child abduction, mysterious disappear-
17 ances of children, child homicide and serial murder
18 investigations;

19 (5) coordinating the application of resources of
20 pertinent Federal law enforcement agencies, and
21 other Federal entities including, but not limited to,
22 the United States Customs Service, the Secret Serv-
23 ice, the Postal Inspection Service, and the United
24 States Marshals Service, as appropriate, and with
25 the concurrence of the agency head to support Fed-

1 eral, State, and local law enforcement involved in
2 child abduction, mysterious disappearance of a child,
3 child homicide, and serial murder investigations;

4 (6) conducting ongoing research related to child
5 abductions, mysterious disappearances of children,
6 child homicides, and serial murder, including identi-
7 fication and investigative application of current and
8 emerging technologies, identification of investigative
9 searching technologies and methods for physically lo-
10 cating abducted children, investigative use of of-
11 fender behavioral assessment and analysis concepts,
12 gathering statistics and information necessary for
13 case identification, trend analysis, and case linkages
14 to advance the investigative effectiveness of out-
15 standing abducted children cases, develop investiga-
16 tive systems to identify and track serious serial of-
17 fenders that repeatedly victimize children for com-
18 parison to unsolved cases, and other investigative re-
19 search pertinent to child abduction, mysterious dis-
20 appearance of a child, child homicide, and serial
21 murder covered in this section;

22 (7) working under the NCAVC in coordination
23 with the National Center For Missing and Exploited
24 Children and the Office of Juvenile Justice and De-
25 linquency Prevention of the Department of Justice

1 to provide appropriate training to Federal, State,
2 and local law enforcement in matters regarding child
3 abductions, mysterious disappearances of children,
4 child homicides; and

5 (8) establishing a centralized repository based
6 upon case data reflecting child abductions, mysteri-
7 ous disappearances of children, child homicides and
8 serial murder submitted by State and local agencies,
9 and an automated system for the efficient collection,
10 retrieval, analysis, and reporting of information re-
11 garding CASMIRC investigative resources, research,
12 and requests for and provision of investigative sup-
13 port services.

14 (d) APPOINTMENT OF PERSONNEL TO THE
15 CASMIRC.—

16 (1) SELECTION OF MEMBERS OF THE CASMIRC
17 AND PARTICIPATING STATE AND LOCAL LAW EN-
18 FORCEMENT PERSONNEL.—The Director of the Fed-
19 eral Bureau of Investigation shall appoint the mem-
20 bers of the CASMIRC. The CASMIRC shall be
21 staffed with Federal Bureau of Investigation person-
22 nel and other necessary personnel selected for their
23 expertise that would enable them to assist in the re-
24 search, data collection, and analysis, and provision
25 of investigative support in child abduction, mysteri-

1 ous disappearance of children, child homicide and se-
2 rial murder investigations. The Director may, with
3 concurrence of the appropriate State or local agency,
4 also appoint State and local law enforcement person-
5 nel to work with the CASMIRC.

6 (2) STATUS.—Each member of the CASMIRC
7 (and each individual from any State or local law en-
8 forcement agency appointed to work with the
9 CASMIRC) shall remain as an employee of that
10 member's or individual's respective agency for all
11 purposes (including the purpose of performance re-
12 view), and service with the CASMIRC shall be with-
13 out interruption or loss of civil service privilege or
14 status and shall be on a nonreimbursable basis, ex-
15 cept if appropriate to reimburse State and local law
16 enforcement for overtime costs for an individual ap-
17 pointed to work with the resource team. Addition-
18 ally, reimbursement of travel and per diem expenses
19 will occur for State and local law enforcement par-
20 ticipation in resident fellowship programs at the
21 NCAVC when offered.

22 (3) TRAINING.—CASMIRC personnel, under
23 the guidance of the Federal Bureau of Investiga-
24 tion's National Center for the Analysis of Violent
25 Crime and in consultation with the National Center

1 For Missing and Exploited Children, shall develop a
2 specialized course of instruction devoted to training
3 members of the CASMIRC consistent with the pur-
4 pose of this section. The CASMIRC shall also work
5 with the National Center For Missing and Exploited
6 Children and the Office of Juvenile Justice and De-
7 linquency Prevention of the Department of Justice
8 to develop a course of instruction for State and local
9 law enforcement personnel to facilitate the dissemi-
10 nation of the most current multidisciplinary exper-
11 tise in the investigation of child abductions, mysteri-
12 ous disappearances of children, child homicides, and
13 serial murder of children.

14 (e) REPORT TO CONGRESS.—One year after the es-
15 tablishment of the CASMIRC, the Attorney General shall
16 submit to Congress a report, which shall include—

17 (1) a description of the goals and activities of
18 the CASMIRC; and

19 (2) information regarding to—

20 (A) the number and qualifications of the
21 members appointed to the CASMIRC;

22 (B) the provision of equipment, adminis-
23 trative support, and office space for the
24 CASMIRC; and

1 (C) the projected resource needs for the
2 CASMIRC.

3 (f) AUTHORIZATION OF APPROPRIATION.—There are
4 authorized to be appropriated to carry out this section
5 such sums as may be necessary for each of fiscal years
6 1999, 2000, and 2001.

7 (g) CONFORMING AMENDMENT.—Subtitle C of title
8 XVII of the Violent Crime Control and Law Enforcement
9 Act of 1994 (42 U.S.C. 5776a et seq.) is repealed.

10 **TITLE IV—MISCELLANEOUS** 11 **PROVISIONS**

12 **SEC. 401. ESTABLISHMENT OF GENERAL ATTEMPT OF-** 13 **FENSE.**

14 Chapter 19 of title 18, United States Code, is amend-
15 ed—

16 (1) in the chapter heading, by striking “Con-
17 spiracy” and inserting “Inchoate offenses”; and

18 (2) by adding at the end the following:

19 **“§ 374. Attempt to commit offense**

20 “(a) IN GENERAL.—Whoever, acting with the state
21 of mind otherwise required for the commission of an of-
22 fense described in this title, intentionally engages in con-
23 duct that, in fact, constitutes a substantial step toward
24 the commission of the offense is guilty of an attempt and
25 is subject to the same penalties as those prescribed for

1 the offense the commission of which was the object of the
 2 attempt, except that the penalty of death shall not be im-
 3 posed.

4 “(b) INABILITY TO COMMIT OFFENSE; COMPLETION
 5 OF OFFENSE.—It is not a defense to a prosecution under
 6 this section—

7 “(1) that it was factually impossible for the
 8 actor to commit the offense, if the offense could
 9 have been committed had the circumstances been as
 10 the actor believed them to be; or

11 “(2) that the offense attempted was completed.

12 “(c) EXCEPTIONS.—The section shall not apply—

13 “(1) to an offense consisting of conspiracy, at-
 14 tempt, endeavor, or solicitation;

15 “(2) to an offense consisting of an omission, re-
 16 fusals, failure of refraining to act;

17 “(3) to an offense involving negligent conduct;
 18 or

19 “(4) to an offense described in section 1118,
 20 1120, 1121, or 1153 of this title.

21 “(d) AFFIRMATIVE DEFENSE.—It is an affirmative
 22 defense to a prosecution under this section, on which the
 23 defendant bears the burden of persuasion by a preponder-
 24 ance of the evidence, that, under circumstances manifest-
 25 ing a voluntary and complete renunciation of criminal in-

1 tent, the defendant prevented the commission of the of-
 2 fense. A renunciation is not ‘voluntary and complete’ if
 3 it is motivated in whole or in part by circumstances that
 4 increase the probability of detection or apprehension or
 5 that make it more difficult to accomplish the offense, or
 6 by a decision to postpone the offense until a more advan-
 7 tageous time or to transfer the criminal effort to a similar
 8 objective or victim.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 10 The analysis for chapter 19 of title 18, United States
 11 Code, is amended by adding at the end the following:

“374. Attempt to commit offense.”.

12 **SEC. 402. RATIONALIZATION OF CONSPIRACY PENALTY**
 13 **AND CREATION OF RENUNCIATION DEFENSE.**

14 Section 371 of title 18, United States Code, is
 15 amended—

16 (1) by striking the second undesignated para-
 17 graph; and

18 (2) in the first undesignated paragraph—

19 (A) by striking “If two or more” and in-
 20 serting the following:

21 “(a) IN GENERAL.—If 2 or more”; and

22 (B) by striking “either to commit any of-
 23 fense against the United States, or”;

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

1 “(b) CONSPIRACY.—If 2 or more persons conspire to
 2 commit any offense against the United States, and 1 or
 3 more of such persons do any act to effect the object of
 4 the conspiracy, each shall be subject to the same penalties
 5 as those prescribed for the most serious offense the com-
 6 mission of which was the object of the conspiracy, except
 7 that the penalty of death shall not be imposed.

8 “(c) AFFIRMATIVE DEFENSE.—It is an affirmative
 9 defense to a prosecution under this section, on which the
 10 defendant bears the burden of persuasion by a preponder-
 11 ance of the evidence, that, under circumstances manifest-
 12 ing a voluntary and complete renunciation of criminal in-
 13 tent, the defendant prevented the commission of every of-
 14 fense that was an object of the conspiracy. A renunciation
 15 is not ‘voluntary and complete’ if it is motivated, in whole
 16 or in part, by circumstances that increase the probability
 17 of detection or apprehension or that make it more difficult
 18 to accomplish the offense, or by a decision to postpone
 19 the offense to a more advantageous time, or to transfer
 20 the criminal effort to a similar objective or victim.”.

