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S. 2917

To enhance national efforts to investigate, prosecute, and prevent crimes against children by increasing investigatory tools, criminal penalties, and resources and by extending existing laws.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2002

Mr. HATCH (for himself, Mrs. FEINSTEIN, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. SESSIONS, Mr. DEWINE, Mr. THURMOND, Mr. GRASSLEY, and Ms. LANDRIEU) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To enhance national efforts to investigate, prosecute, and prevent crimes against children by increasing investigatory tools, criminal penalties, and resources and by extending existing laws.

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 “Comprehensive Child
5 Protection Act of 2002”.

1 **SEC. 2. NATIONAL CRIMES AGAINST CHILDREN RESPONSE**

2 **CENTER.**

3 (a) IN GENERAL.—Chapter 33 of title 28, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 540A. National Crimes Against Children Response**

7 **Center**

8 “(a) ESTABLISHMENT.—There is established within
9 the Federal Bureau of Investigation a National Crimes
10 Against Children Response Center (referred to in this sec-
11 tion as the ‘Center’).

12 “(b) MISSION.—The mission of the Center is to de-
13 velop a national response plan model that—

14 “(1) provides a comprehensive, rapid response
15 plan to report crimes involving the victimization of
16 children; and

17 “(2) protects children from future crimes.

18 “(c) DUTIES.—To carry out the mission described in
19 subsection (b), the Director of the Federal Bureau of In-
20 vestigation shall—

21 “(1) consult with the Deputy Assistant Attor-
22 ney General for the Crimes Against Children Office
23 and other child crime coordinators within the De-
24 partment of Justice;

25 “(2) consolidate units within the Federal Bu-
26 reau of Investigation that investigate crimes against

1 children, including abductions, abuse, and sexual ex-
2 ploitation offenses;

3 “(3) develop a comprehensive, rapid response
4 plan for crimes involving children that incorporates
5 resources and expertise from Federal, State, and
6 local law enforcement agencies and child services
7 professionals;

8 “(4) develop a national strategy to prevent
9 crimes against children that shall include a plan to
10 rescue children who are identified in child pornog-
11 raphy images as victims of abuse;

12 “(5) create regional rapid response teams com-
13 posed of Federal, State, and local prosecutors, inves-
14 tigators, victim witness specialists, mental health
15 professionals, and other child services professionals;

16 “(6) implement an advanced training program
17 that will enhance the ability of Federal, State, and
18 local entities to respond to reported crimes against
19 children and protect children from future crimes;
20 and

21 “(7) conduct outreach efforts to raise aware-
22 ness and educate communities about crimes against
23 children.

24 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
25 is authorized to be appropriated for the Federal Bureau

1 of Investigation such sums as necessary for fiscal year
2 2003 to carry out this section.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENT.—
4 The table of sections for chapter 33 of title 28, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

“540A. National Crimes Against Children Response Center.”.

7 **SEC. 3. INTERNET AVAILABILITY OF INFORMATION CON-**
8 **CERNING REGISTERED SEX OFFENDERS.**

9 (a) IN GENERAL.—Section 170101(e)(2) of the Vio-
10 lent Crime Control and Law Enforcement Act of 1994 (42
11 U.S.C. 14071(e)(2)) is amended by adding at the end the
12 following: “The release of information under this para-
13 graph shall include the maintenance of an Internet site
14 containing such information that is available to the pub-
15 lic.”.

16 (b) COMPLIANCE DATE.—Each State shall imple-
17 ment the amendment made by this section within 3 years
18 after the date of enactment of this Act, except that the
19 Attorney General may grant an additional 2 years to a
20 State that is making a good faith effort to implement the
21 amendment made by this section.

22 (c) NATIONAL INTERNET SITE.—The Crimes Against
23 Children Section of the Department of Justice shall create
24 a national Internet site that links all State Internet sites
25 established pursuant to this section.

1 **SEC. 4. DNA EVIDENCE.**

2 Section 3(d) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a(d)) is amended to
3
4 read as follows:

5 “(d) **QUALIFYING FEDERAL OFFENSE.**—For purposes of this section, the term ‘qualifying Federal offense’
6
7 means—

8 “(1) any offense classified as a felony under
9 Federal law;

10 “(2) any offense under chapter 109A of title
11 18, United States Code;

12 “(3) any crime of violence as that term is defined in section 16 of title 18, United States Code;
13
14 or

15 “(4) any offense within the scope of section
16 4042(c)(4) of title 18, United States Code.”.

17 **SEC. 5. INCREASE OF STATUTE OF LIMITATIONS FOR**
18 **CHILD ABUSE OFFENSES.**

19 Section 3283 of title 18, United States Code, is
20 amended by striking “25 years” and inserting “35 years”.

21 **SEC. 6. ADMISSIBILITY OF SIMILAR CRIME EVIDENCE IN**
22 **CHILD MOLESTATION CASES.**

23 Rule 414 of the Federal Rules of Evidence is
24 amended—

25 (1) in subsection (a), by inserting “or possession of sexually explicit materials containing appar-
26

1 ent minors” after “or offenses of child molestation”;
 2 and

3 (2) in subsection (d), by striking “fourteen”
 4 and inserting “18”.

5 **SEC. 7. MARITAL COMMUNICATION AND ADVERSE SPOUSAL**
 6 **PRIVILEGE.**

7 (a) IN GENERAL.—Chapter 119 of title 28, United
 8 States Code, is amended by inserting after section 1826
 9 the following:

10 **“§ 1826A. Marital communications and adverse spous-**
 11 **al privilege**

12 “The confidential marital communication privilege
 13 and the adverse spousal privilege shall be inapplicable in
 14 any Federal proceeding in which a spouse is charged with
 15 a crime against—

16 “(1) a child of either spouse; or

17 “(2) a child under the custody or control of ei-
 18 ther spouse.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 20 The table of sections for chapter 119 of title 28, United
 21 States Code, is amended by inserting after the item relat-
 22 ing to section 1826 the following:

“1826A. Marital communications and adverse spousal privilege.”.

1 **SEC. 8. AUTHORIZATION OF INTERCEPTION OF COMMU-**
 2 **NICATIONS IN THE INVESTIGATION OF SEX-**
 3 **UAL CRIMES AND OTHER CRIMES AGAINST**
 4 **CHILDREN.**

5 Section 2516(1)(c) of title 18, United States Code,
 6 is amended—

7 (1) by inserting “section 1591 (sex trafficking
 8 of children or by force, fraud, or coercion)” after
 9 “section 1511 (obstruction of State or local law en-
 10 forcement),”; and

11 (2) by inserting “section 2251A (selling or buy-
 12 ing of children), section 2252A (relating to material
 13 constituting or containing child pornography), sec-
 14 tion 2260 (production of sexually explicit depictions
 15 of a minor for importation into the United States),
 16 sections 2421, 2422, 2423, and 2425 (relating to
 17 transportation for illegal sexual activity and related
 18 crimes),” after “sections 2251 and 2252 (sexual ex-
 19 ploitation of children),”.

20 **SEC. 9. INCREASE OF MAXIMUM SUPERVISED RELEASE**
 21 **TERM FOR SEX OFFENDERS.**

22 Section 3583 of title 18, United States Code, is
 23 amended by adding at the end the following:

24 “(k) SUPERVISED RELEASE TERMS FOR SEX OF-
 25 FENDERS.—Notwithstanding subsection (b), the author-
 26 ized term of supervised release for any offense under chap-

1 ter 109A, 110, 117, section 1201 involving a minor victim,
 2 or section 1591 is any term of years or life.”.

3 **SEC. 10. INCREASE OF MAXIMUM PENALTIES FOR SEX OF-**
 4 **FENSES.**

5 Title 18, United States Code, is amended—

6 (1) in section 1591(b)(2), by striking “20
 7 years” and inserting “40 years”;

8 (2) in section 2421, by striking “10 years” and
 9 inserting “20 years”;

10 (3) in section 2422—

11 (A) in subsection (a), by striking “10
 12 years” and inserting “20 years”; and

13 (B) in subsection (b), by striking “15
 14 years” and inserting “30 years”;

15 (4) in section 2423—

16 (A) in subsection (a), by striking “15
 17 years” and inserting “30 years”; and

18 (B) in subsection (b), by striking “15
 19 years” and inserting “30 years”; and

20 (5) in section 2425, by striking “5 years” and
 21 inserting “10 years”.

22 **SEC. 11. DEPUTY ASSISTANT ATTORNEY GENERAL FOR**
 23 **CRIMES AGAINST CHILDREN.**

24 (a) ESTABLISHMENT OF POSITION.—

1 (1) IN GENERAL.—Chapter 31 of title 28,
2 United States Code, is amended by inserting after
3 section 507 the following:

4 **“§ 507A. Deputy Assistant Attorney General for**
5 **Crimes Against Children**

6 “(a) The Attorney General shall appoint a Deputy
7 Assistant Attorney General for Crimes Against Children.

8 “(b) The Deputy Assistant Attorney General shall be
9 the head of the Crimes Against Children Section (CACS)
10 of the Department of Justice.

11 “(c) The duties of the Deputy Assistant Attorney
12 General shall include the following:

13 “(1) To prosecute cases involving crimes
14 against children.

15 “(2) To advise Federal prosecutors and law en-
16 forcement personnel regarding crimes against chil-
17 dren.

18 “(3) To provide guidance and assistance to
19 Federal, State, and local law enforcement agencies
20 and personnel, and appropriate foreign entities, re-
21 garding responses to crimes against children.

22 “(4) To propose and comment upon legislation
23 concerning crimes against children.

24 “(5) Such other duties as the Attorney General
25 may require, including duties carried out by the

1 head of the Child Exploitation and Obscenity Sec-
 2 tion and the Terrorism and Violent Crime Section of
 3 the Department of Justice.”.

4 (2) TECHNICAL AND CONFORMING AMEND-
 5 MENT.—The table of sections for chapter 31 of title
 6 28, United States Code, is amended by inserting
 7 after the item relating to section 507 the following:
 “507A. Deputy Assistant Attorney General for Crimes Against Children.”.

8 (b) AUTHORIZATION OF APPROPRIATIONS FOR
 9 CACS.—There is authorized to be appropriated for the
 10 Department of Justice for fiscal year 2003, such sums as
 11 necessary to carry out this section.

12 **SEC. 12. DIRECTIVE TO SENTENCING COMMISSION.**

13 (a) IN GENERAL.—Pursuant to its authority under
 14 section 994(p) of title 18, United States Code, and in ac-
 15 cordance with this section, the United States Sentencing
 16 Commission shall review the Federal Sentencing Guide-
 17 lines and policy statements relating to child abuse and ex-
 18 ploitation offenses, including United States Sentencing
 19 Guideline sections 2A3.1, 2A3.2, 2A3.3, 2A3.4, 2A4.1,
 20 2G1.1, 2G2.1, 2G2.2, 2G2.3, 2G2.4, and 2G3.1 to deter-
 21 mine whether those sections are sufficiently severe.

22 (b) CONSIDERATIONS.—In reviewing the Federal
 23 Sentencing Guidelines in accordance with subsection (a),
 24 the United States Sentencing Commission shall consider
 25 whether the guidelines are adequate where—

1 (1) the victim had not attained the age of 12
2 years, or had not attained the age of 16 years;

3 (2) the victim died, or sustained permanent,
4 life-threatening or serious injury as a result of the
5 criminal act;

6 (3) the victim was abducted;

7 (4) the victim was abused by more than 1 par-
8 ticipant;

9 (5) the offense involved more than 1 victim;

10 (6) the ability of the victim to appraise or con-
11 trol his or her conduct was substantially impaired;

12 (7) the offense involved a large number of vis-
13 ual depictions, including multiple images of the same
14 victim; and

15 (8) the offense involved material that portrays
16 sadistic or masochistic conduct or other depictions of
17 violence.

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