

107TH CONGRESS
2D SESSION

S. 3140

To assist law enforcement in their efforts to recover missing children and to clarify the standards for State sex offender registration programs.

IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2002

Mr. DODD (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To assist law enforcement in their efforts to recover missing children and to clarify the standards for State sex offender registration programs.

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 “Prevention and Recov-
5 ery of Missing Children Act of 2002”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) An improved registration system for sex of-
9 fenders and others who commit predatory acts
10 against children will provide law enforcement agen-

1 cies with additional information critical to pre-
2 venting and promptly resolving such crimes.

3 (2) Federal, State, and local law enforcement
4 were called upon to investigate over 12,000 non-fam-
5 ily abductions in the United States in 1999.

6 (3) The National Crime Information Center
7 (NCIC) database, which links more than 16,000
8 Federal, State, and local law enforcement agencies,
9 is a critical means of cooperation among law en-
10 forcement agencies.

11 (4) Delays in entering missing children reports
12 into the NCIC database leads to investigative delays
13 when time is critical to ensuring the safe return of
14 missing children, as evidenced by the fact that in 74
15 percent of abduction homicide cases the child is dead
16 within the first 3 hours and 91 percent are killed
17 within 24 hours.

18 **SEC. 3. MISSING CHILD REPORTING REQUIREMENTS.**

19 (a) IN GENERAL.—Section 3702 of the Crime Con-
20 trol Act of 1990 (42 U.S.C. 5780) is amended—

21 (1) by redesignating paragraphs (2) and (3) as
22 paragraphs (3) and (4), respectively; and

23 (2) by inserting after paragraph (1) the fol-
24 lowing:

1 “(2) ensure that no law enforcement agency
 2 within the State establishes or maintains any policy
 3 that requires the removal of a missing person entry
 4 from its State law enforcement system or the Na-
 5 tional Crime Information Center computer network
 6 based solely on the age of the person;” and

7 (3) in paragraph (3), as redesignated, by strik-
 8 ing “immediately” and inserting “within 2 hours of
 9 receipt”.

10 **SEC. 4. STANDARDS FOR SEX OFFENDER REGISTRATION**
 11 **PROGRAMS.**

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

15 (1) in subsection (b)—

16 (A) in paragraph (1)(A)—

17 (i) by striking clause (i), and inserting
 18 the following:

19 “(i) inform the person of the duty to
 20 register and obtain the information re-
 21 quired for such registration, including the
 22 person’s name, current address, antici-
 23 pated future residence, employer name and
 24 address, license plate number and other
 25 identifying information about each vehicle

1 that the person owns, and student enroll-
2 ment information;”;

3 (ii) by striking clause (iv) and insert-
4 ing the following:

5 “(iv) obtain fingerprints, a photo-
6 graph, and a deoxyribonucleic acid (DNA)
7 sample, unless they were obtained within
8 the previous 3 months;”;

9 (iii) in clause (v), by striking the pe-
10 riod at the end and inserting the following:
11 “; and”; and

12 (iv) by adding at the end the fol-
13 lowing:

14 “(vi) for persons who are incarcer-
15 ated, perform each of the duties under
16 clauses (i) through (v) prior to the release
17 of that person from incarceration.”;

18 (B) in paragraph (2)(A), in the second
19 sentence, by inserting “registration information
20 for persons intending to move to another State
21 is promptly made available to the registering
22 agency of that State, and that” after “State
23 procedures shall also ensure that”;

24 (C) by striking paragraph (3) and insert-
25 ing the following:

1 “(3) VERIFICATION.—For all persons required
2 to register under this section, State procedures shall
3 provide for verification of registry information not
4 less than every 90 days.”;

5 (D) by striking paragraph (4) and insert-
6 ing the following:

7 “(4) NOTIFICATION OF LOCAL LAW ENFORCE-
8 MENT AGENCIES OF CHANGES IN REGISTRY INFOR-
9 MATION.—State procedures shall provide that all
10 persons required to register under this section shall
11 report a change of name, address, employer name
12 and address, vehicle information, and student enroll-
13 ment information to a law enforcement agency that
14 has jurisdiction where the person will reside, not
15 later than 10 days after such change takes effect.”;
16 and

17 (E) by adding at the end the following:

18 “(8) CURRENT PHOTOGRAPH.—State proce-
19 dures shall provide for local law enforcement to ob-
20 tain a photograph for all persons required to register
21 under this section—

22 “(A) at the initial registration of the per-
23 son; and

1 “(B) not less than annually at the time of
 2 verification of the registry information of that
 3 person, throughout the term of registration.

4 “(9) DRIVER’S LICENSE OR IDENTIFICATION
 5 CARD.—State procedures shall require that all per-
 6 sons required to register under this section obtain,
 7 at the time of initial registration, a driver’s license
 8 or identification card from the State Department of
 9 Motor Vehicles in the State in which that person re-
 10 sides.”; and

11 (2) in subsection (d)—

12 (A) by striking “A” and inserting the fol-
 13 lowing:

14 “(1) IN GENERAL.—A”; and

15 (B) by adding at the end the following:

16 “(2) FELONY.—States shall designate a failure
 17 to comply with the registration and verification re-
 18 quirements of this section as a felony and permit
 19 such failure to be grounds for the immediate
 20 issuance of an arrest warrant.

21 “(3) CONSIDERATIONS.—States shall consider a
 22 failure to comply with the registration and
 23 verification requirements of this section as an ongo-
 24 ing offense for the purpose of statutes of limitation,

- 1 and shall consider a failure to register each item of
- 2 changed registry information as a separate offense.”.

