

108TH CONGRESS  
1ST SESSION

# H. R. 1362

To provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2003

Ms. MILLENDER-MCDONALD introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide enhanced Federal enforcement and assistance in preventing and prosecuting crimes of violence against children.

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 “Violence Against Chil-  
5       dren Act of 2003”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

1           (1) People under the age of 18 make up ap-  
2           proximately 12 percent of all crime victims known to  
3           police, including 71 percent of all sex crime victims  
4           and 38 percent of all kidnaping victims.

5           (2) People from the ages of 12 through 17 are  
6           over 2 times more likely to be victims of violent  
7           crime than adults.

8           (3) It has been estimated that only 28 percent  
9           of crimes against children are actually reported.

10          (4) Some 1,200 children die as a result of  
11          abuse each year, and approximately 879,000 chil-  
12          dren are victims of abuse.

13          (5) Child abuse has long-lasting negative effects  
14          upon children and families, including delayed devel-  
15          opment, depression, substance abuse, and increased  
16          likelihood of experiencing or perpetrating domestic  
17          violence as an adult.

18          (6) Most local agencies lack adequate resources  
19          to protect and serve the needs of children and fami-  
20          lies that are brought to their attention.

21          (7) Failure to pay child support is in itself a  
22          form of neglect, as children who do not receive fi-  
23          nancial support are more likely to live in poverty,  
24          and are therefore more likely to suffer from inad-

1 equate education, a lack of quality health care, and  
2 a lack of affordable housing.

3 **TITLE I—ENHANCED FEDERAL**  
4 **ROLE IN CRIMES AGAINST**  
5 **CHILDREN**

6 **SEC. 101. ENHANCED PENALTIES.**

7 (a) IN GENERAL.—Chapter 110 of title 18, United  
8 States Code, is amended by inserting at the end the fol-  
9 lowing:

10 **“§ 2260A. Violence against children**

11 “(a) IN GENERAL.—Whoever, whether or not acting  
12 under color of law, in any circumstance described in sub-  
13 section (b), by force or threat of force willfully injures or  
14 attempts to injure any person under 18 years of age—

15 “(1) shall be imprisoned for not more than 10  
16 years and fined in accordance with this title; and

17 “(2) shall be imprisoned for any term of years  
18 or for life, and fined in accordance with this title  
19 if—

20 “(A) death results from the offense; or

21 “(B) the offense includes kidnaping or an  
22 attempt to kidnap, aggravated sexual abuse or  
23 an attempt to commit aggravated sexual abuse,  
24 or an attempt to kill.

1 “(b) CIRCUMSTANCES.—For purposes of subsection  
2 (a), the circumstances described in this subsection are  
3 that—

4 “(1) the conduct described in subsection (a) oc-  
5 curs during the course of, or as the result of, the  
6 travel of the defendant or the victim—

7 “(A) across a State line or national border;

8 or

9 “(B) using a channel, facility, or instru-  
10 mentality of interstate or foreign commerce; or

11 “(2) in connection with the conduct described in  
12 subsection (a), the defendant employs a firearm, ex-  
13 plosive or incendiary device, or other weapon that  
14 has traveled in interstate or foreign commerce.”.

15 (b) AMENDMENT TO CHAPTER ANALYSIS.—The  
16 chapter analysis for chapter 110 of title 18, United States  
17 Code, is amended by inserting at the end the following:

“2260A. Violence against children.”.

18 (c) ENHANCED PENALTIES FOR EXISTING CRIMES  
19 WHEN COMMITTED AGAINST CHILDREN.—Pursuant to  
20 its authority under section 994(p) of title 28, United  
21 States Code, and in accordance with this Act and its pur-  
22 poses, the United States Sentencing Commission shall re-  
23 view and amend its guidelines and its policy statements  
24 to provide enhanced penalties when the victim of a Federal  
25 crime is under the age of 18.

1 (d) GAO REVIEW OF STATE LAWS.—Not later than  
2 6 months after the date of enactment of this Act, the  
3 Comptroller General of the United States shall—

4 (1) review the statutory penalties for crimes  
5 against children under State laws and the sentencing  
6 practices of the States with respect to those crimes,  
7 including whether a State provides enhanced pen-  
8 alties when the victim of the crime is a child; and

9 (2) report the findings of the review to Con-  
10 gress.

11 **SEC. 102. ENHANCED ASSISTANCE FOR CRIMINAL INVES-**  
12 **TIGATIONS AND PROSECUTIONS BY STATE**  
13 **AND LOCAL LAW ENFORCEMENT OFFICIALS.**

14 (a) IN GENERAL.—At the request of a State, Indian  
15 tribal government, or unit of local government, the Attor-  
16 ney General shall provide technical, forensic, prosecutorial,  
17 or any other form of assistance in the criminal investiga-  
18 tion or prosecution of any crime that—

19 (1) constitutes a crime of violence (as defined  
20 in section 16 of title 18, United States Code);

21 (2) constitutes a felony under the laws of the  
22 State or Indian tribe; and

23 (3) is committed against a person under 18  
24 years of age.

1 (b) PRIORITY.—If the Attorney General determines  
2 that there are insufficient resources to fulfill requests  
3 made pursuant to subsection (a), the Attorney General  
4 shall give priority to requests for assistance to—

5 (1) crimes committed by, or believed to be com-  
6 mitted by, offenders who have committed crimes in  
7 more than 1 State; and

8 (2) rural jurisdictions that have difficulty cov-  
9 ering the extraordinary expenses relating to the in-  
10 vestigation or prosecution of the crime.

## 11 **TITLE II—GRANT PROGRAMS**

### 12 **SEC. 201. FEDERAL ASSISTANCE TO STATE AND LOCAL LAW** 13 **ENFORCEMENT.**

14 (a) IN GENERAL.—The Attorney General shall award  
15 grants to assist States, Indian tribal governments, and  
16 units of local government to develop and strengthen effec-  
17 tive law enforcement and prosecution of crimes against  
18 children.

19 (b) PURPOSES.—Grants provided under this section  
20 shall provide personnel, training, technical assistance,  
21 data collection, and other equipment for the more wide-  
22 spread apprehension, prosecution, and adjudication of per-  
23 sons committing crimes against children, and specifically,  
24 for the purposes of—

1           (1) training law enforcement officers, prosecu-  
2           tors, judges, and other court personnel to more ef-  
3           fectively identify and respond to crimes against chil-  
4           dren;

5           (2) developing, training, or expanding units of  
6           law enforcement officers, prosecutors, or courts spe-  
7           cifically targeting crimes against children;

8           (3) developing and implementing more effective  
9           police and prosecution policies, protocols, orders, and  
10          services specifically devoted to preventing, identi-  
11          fying, and responding to crimes against children;

12          (4) developing, installing, or expanding data  
13          collection and communication systems, including  
14          computerized systems, linking police, prosecutors,  
15          and courts for the purpose of identifying and track-  
16          ing arrests, prosecutions, and convictions for crimes  
17          against children;

18          (5) encouraging, developing, and strengthening  
19          programs, procedures, and policies that enhance  
20          cross-collaboration and cross-communication between  
21          law enforcement and child services agencies regard-  
22          ing the care, treatment, and services for child vic-  
23          tims; and

1           (6) developing, enlarging, or strengthening pro-  
2           grams addressing the needs and circumstances of  
3           Indian tribes in dealing with crimes against children.

4           (c) APPLICATION.—

5           (1) IN GENERAL.—Each State, Indian tribal  
6           government, or unit of local government that desires  
7           a grant under this section shall submit an applica-  
8           tion to the Attorney General at such time, in such  
9           manner, and accompanied by or containing such in-  
10          formation as the Attorney General shall reasonably  
11          require.

12          (2) REQUIREMENTS.—A State, Indian tribal  
13          government, or unit of local government applying for  
14          a grant under this section shall—

15                (A) describe—

16                   (i) the purposes for which the grant is  
17                   needed;

18                   (ii) the intended use of the grant  
19                   funds; and

20                   (iii) the expected results from the use  
21                   of grant funds;

22                (B) demonstrate that, in developing a plan  
23                to implement the grant, the State, Indian tribal  
24                government, or unit of local government has  
25                consulted and coordinated with nonprofit, non-

1 governmental victim services programs that  
2 have experience in providing services to victims  
3 of crimes against children; and

4 (C) certify that—

5 (i) any Federal funds received under  
6 this section will be used to supplement, not  
7 supplant, non-Federal funds that would  
8 otherwise be available for activities funded  
9 under this section; and

10 (ii) the State, the Indian tribal gov-  
11 ernment, or the State in which the unit of  
12 local government is located is in compli-  
13 ance with sections 301 and 302.

14 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
15 authorized to be appropriated to carry out this section  
16 \$25,000,000 for each of the fiscal years 2004 through  
17 2008.

18 **SEC. 202. EDUCATION, PREVENTION, AND VICTIMS' ASSIST-**  
19 **ANCE GRANTS.**

20 (a) IN GENERAL.—The Attorney General shall award  
21 grants to assist States, Indian tribal governments, units  
22 of local government, and nongovernmental organizations  
23 to provide education, prevention, intervention, and victims'  
24 assistance services regarding crimes against children.

1 (b) PURPOSES.—Grants provided under this section  
2 shall be used to provide education, prevention, and inter-  
3 vention services to prevent crimes against children and to  
4 provide assistance to children, and the families of children,  
5 who are victims of crime, including—

6 (1) educational seminars;

7 (2) the operation of hotlines;

8 (3) training programs for professionals;

9 (4) the preparation of informational materials;

10 (5) intervention services to prevent crimes  
11 against children;

12 (6) other efforts to increase awareness of the  
13 facts about, or to help prevent, crimes against chil-  
14 dren, including efforts to increase awareness in un-  
15 derserved racial, ethnic, and language minority com-  
16 munities;

17 (7) emergency medical treatment for victims;

18 (8) counseling to victims of crimes against chil-  
19 dren and their families; and

20 (9) increasing the supply of mental health pro-  
21 fessionals specializing in the mental health of victims  
22 of crimes against children.

23 (c) APPLICATION.—

24 (1) IN GENERAL.—Each State, Indian tribal  
25 government, unit of local government, or nongovern-

1       mental organization that desires a grant under this  
2       section shall submit an application to the Attorney  
3       General at such time, in such manner, and accom-  
4       panied by or containing such information as the At-  
5       torney General shall reasonably require.

6               (2) REQUIREMENTS.—A State, Indian tribal  
7       government, unit of local government, or nongovern-  
8       mental organization applying for a grant under this  
9       section shall—

10               (A) describe—

11                       (i) the purposes for which the grant is  
12                       needed;

13                       (ii) the intended use of the grant  
14                       funds; and

15                       (iii) the expected results from the use  
16                       of grant funds;

17               (B) demonstrate that, in developing a plan  
18       to implement the grant—

19                       (i) in the case of a State, Indian tribal  
20                       government, or unit of local government,  
21                       that the State, Indian tribal government,  
22                       or unit of local government has consulted  
23                       and coordinated with nonprofit, nongovern-  
24                       mental victim services programs that have

1 experience in providing services to victims  
2 of crimes against children; and

3 (ii) in the case of a nongovernmental  
4 organization, that the nongovernmental or-  
5 ganization has experience in providing edu-  
6 cation, prevention, or intervention services  
7 regarding crimes against children or has  
8 experience in providing services to victims  
9 of crimes against children; and

10 (C) certify that—

11 (i) any Federal funds received under  
12 this section will be used to supplement, not  
13 supplant, non-Federal funds that would  
14 otherwise be available for activities funded  
15 under this section, provided that the Attor-  
16 ney General may waive such requirement  
17 for nongovernmental organizations in ex-  
18 traordinary circumstances; and

19 (ii) the State, the Indian tribal gov-  
20 ernment, the State in which the unit of  
21 local government is located, or the State in  
22 which the nongovernmental organization  
23 will operate the activities funded under this  
24 section is located, is in compliance with  
25 section 303.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There is  
2 authorized to be appropriated to carry out this section  
3 \$25,000,000 for each of the fiscal years 2004 through  
4 2008.

5 **SEC. 203. REAUTHORIZATION OF CHILD ADVOCACY CEN-**  
6 **TERS.**

7 The Victims of Child Abuse Act of 1990 (42 U.S.C.  
8 13001 et seq.) is amended—

9 (1) in section 211 (42 U.S.C. 13001) by—

10 (A) redesignating paragraphs (6) and (7)  
11 as paragraphs (9) and (10), respectively; and

12 (B) inserting after paragraph (5) the fol-  
13 lowing:

14 “(6)(A) the National Children’s Alliance (NCA)  
15 is a nationwide not-for-profit membership organiza-  
16 tion whose members are local Children’s Advocacy  
17 Centers;

18 “(B) the NCA’s mission is to assist commu-  
19 nities seeking to improve their response to child  
20 abuse by supporting the development, growth, and  
21 continuation of Children’s Advocacy Centers (CACs);  
22 and

23 “(C) the NCA provides training, technical as-  
24 sistance, and networking opportunities to CACs na-  
25 tionally;

1           “(7)(A) CACs are community partnerships  
2 committed to a multidisciplinary team approach by  
3 professionals pursuing the truth in child abuse inves-  
4 tigation; and

5           “(B) CACs are based in child-friendly facilities  
6 that enable law enforcement, prosecutors, child pro-  
7 tective services, and the medical and mental health  
8 communities to work as a team to investigate, pros-  
9 ecute, and treat child abuse;

10           “(8)(A) working in partnership with the Na-  
11 tional Children’s Alliance, Regional Children’s Advo-  
12 cacy Centers were established by the Office of Juve-  
13 nile Justice and Delinquency Prevention to provide  
14 outreach and assistance to communities seeking to  
15 develop a Children’s Advocacy Center; and

16           “(B) Regional Children’s Advocacy Centers pro-  
17 vide information, consultation, training, and tech-  
18 nical assistance helping to establish child-focused  
19 programs that facilitate and support coordination  
20 among agencies responding to child abuse. Regional  
21 Children’s Advocacy Centers also provide regional  
22 services to help Children’s Advocacy Centers already  
23 in existence;”;

24           (2) in section 212 (42 U.S.C. 13001a)—

25           (A) by striking paragraphs (3) and (6);

1 (B) redesignating paragraphs (4) and (5)  
2 as paragraphs (3) and (4), respectively; and

3 (C) redesignating paragraphs (7), (8), and  
4 (9) as paragraphs (5), (6), and (7), respec-  
5 tively;

6 (3) in section 213 (42 U.S.C. 13001b)—

7 (A) by striking the caption for the section  
8 and inserting “**CHILDREN’S ADVOCACY CEN-**  
9 **TERS**”; and

10 (B) in subsection (a), by striking beginning  
11 with “the Administrator” through paragraph  
12 (1) and inserting the following: “The Adminis-  
13 trator of the Office of Juvenile Justice and De-  
14 linquency Prevention shall establish Regional  
15 Children’s Advocacy Centers to—

16 “(1) focus attention on child victims by assist-  
17 ing communities to develop and maintain local Chil-  
18 dren’s Advocacy Centers which are child-focused  
19 community-oriented facility based programs designed  
20 to improve the resources available to children and  
21 families affected by child abuse and neglect;”;

22 (C) in subsection (b)(1), by striking “, in  
23 coordination with the Director;”;

24 (D) in subsection (c)—

1 (i) in paragraph (1), by striking the  
2 text and inserting “The Administrator, in  
3 consultation with the National Children’s  
4 Alliance, shall solicit proposals for assist-  
5 ance under this section when existing con-  
6 tracts with Regional Children’s Advocacy  
7 Centers are close to expiration.”; and

8 (ii) in paragraph (4)(B), by striking  
9 the matter before clause (i) and inserting  
10 the following: “The Administrator shall se-  
11 lect proposals for funding that—”;

12 (E) in subsection (d)—

13 (i) in paragraph (1), by striking “, in  
14 coordination with the Director,”; and

15 (ii) in paragraph (2), by striking “and  
16 the Director”; and

17 (F) by striking subsection (e);

18 (4) in section 214 (42 U.S.C. 13002)—

19 (A) by amending subsection (a) to read as  
20 follows:

21 “(a) IN GENERAL.—The Administrator, in consulta-  
22 tion with the officials from the Office of Victims of Crime,  
23 shall make grants to develop and implement local multi-  
24 disciplinary child abuse investigations and prosecution

1 programs. The National Children’s Alliance shall serve as  
2 the subgrantor of these funds.”; and

3 (B) in subsection (b)(1), by striking “, in  
4 coordination with the Director,”; and  
5 (5) in section 214B (42 U.S.C. 13004)—

6 (A) in subsection (a), by striking para-  
7 graph (2) and inserting the following:

8 “(2) \$10,000,000 for each of the fiscal years  
9 2004 through 2008.”; and

10 (B) in subsection (b)(2), by inserting be-  
11 fore the period the following: “and each of the  
12 fiscal years 2004 through 2008”.

### 13 **TITLE III—NATIONWIDE** 14 **PROGRAMS**

#### 15 **SEC. 301. NATIONWIDE AMBER ALERT.**

16 Not later than 3 years after the date of enactment  
17 of this Act, each State receiving grants pursuant to section  
18 201 shall have in place a statewide AMBER Alert commu-  
19 nications network for child abduction cases.

#### 20 **SEC. 302. IMPROVED STATISTICAL GATHERING.**

21 Each State receiving grants pursuant to section 201  
22 shall use, or shall be in the process of testing or developing  
23 protocols to use, the National Incident-Based Reporting  
24 System.

1 **SEC. 303. NATIONAL SAFE HAVEN.**

2 (a) IN GENERAL.—Not later than 3 years after the  
3 date of enactment of this Act, each State receiving grants  
4 pursuant to section 202 shall have in effect a statute  
5 that—

6 (1) permits a parent to leave a newborn baby  
7 with a medically-trained employee of a hospital  
8 emergency room anonymously without any criminal  
9 or other penalty;

10 (2) includes a mechanism to encourage and per-  
11 mit a hospital employee in the receiving hospital to  
12 collect information about the medical history of the  
13 family subject to the approval of the parent; and

14 (3) includes a plan for publicizing the State’s  
15 Safe Haven law.

16 (b) EXCEPTION.—Notwithstanding subsection (a)(1),  
17 a State statute in effect pursuant to this section may deny  
18 a parent the ability to leave a newborn baby anonymously  
19 without any criminal or other penalty if the newborn baby  
20 shows signs of abuse or appears to have been intentionally  
21 harmed.

22 **SEC. 304. IMPROVED CHILD PROTECTION SERVICES PRO-**  
23 **GRAMS.**

24 (a) REPORT BY STATES.—Not later than 180 days  
25 after the date of enactment of this Act, each State receiv-  
26 ing an allotment for child welfare services under subpart

1 1 of part B of title IV of the Social Security Act (42  
2 U.S.C. 620 et seq.) shall submit to the Secretary of Health  
3 and Human Services a report detailing the State's pro-  
4 gram funded under that subpart, including the process for  
5 maintaining records and verifying the well-being of the  
6 children under the State's care.

7 (b) GAO STUDY.—Not later than 180 days after the  
8 date of enactment of this Act, the General Accounting Of-  
9 fice shall report to Congress on State practices and poli-  
10 cies under the child welfare program funded under subpart  
11 1 of part B of title IV of the Social Security Act (42  
12 U.S.C. 620 et seq.). The report shall include the following:

13 (1) How States are maintaining records and  
14 verifying the well-being of the children under their  
15 care, including how well States are keeping track of  
16 where those children are.

17 (2) Whether and how the review system being  
18 undertaken by the Secretary of Health and Human  
19 Services is helping States to reform their child wel-  
20 fare system.

21 (3) The best practices being implemented by  
22 the States.

23 (4) Recommendations for legislative changes by  
24 Congress.

1           **TITLE IV—CHILD SUPPORT**  
2                           **ENFORCEMENT**

3   **SEC. 401. SENSE OF THE SENATE ON TAX TREATMENT OF**  
4                           **CHILD SUPPORT.**

5           It is the sense of the Senate that Congress should  
6 pass legislation to extend the current Federal tax treat-  
7 ment on bad debt to nonpayment of child support by—

8                   (1) allowing those that do not receive the child  
9 support they are owed to deduct that amount from  
10 their Federal income taxes; and

11                   (2) requiring those who fail to pay child sup-  
12 port to add the unpaid amount to their income for  
13 Federal tax purposes.

○