

109TH CONGRESS
1ST SESSION

H. R. 2318

To amend title 18, United States Code, to provide increased penalties for sexual offenses against children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2005

Mr. GREEN of Wisconsin introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide increased penalties for sexual offenses 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.**

4 This Act may be cited as the “Protection Against
5 Sexual Exploitation of Children Act of 2005”.

6 **SEC. 2. INCREASED PENALTIES FOR SEXUAL OFFENSES** 7 **AGAINST CHILDREN.**

8 (a) SEXUAL ABUSE.—

9 (1) AGGRAVATED SEXUAL ABUSE OF CHIL-
10 DREN.—Section 2241(c) of title 18, United States

Code, is amended by striking “, imprisoned for any term of years or life, or both.” and inserting “and imprisoned for not less than 30 years or for life.”.

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN.—Section 2244 of chapter 109A of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting “(a) or (b)” after “section 2241”;

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1) the following:

“(2) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for not less than 10 years and not more than 25 years;” and

(B) in subsection (c), by inserting “(other than subsection (a)(2))” after “violates this section”.

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH.—Section 2245 of title 18, United States Code, is amended—

1 (A) by striking “A person” and inserting
2 “(a) IN GENERAL.—A person”; and

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

4 “(b) OFFENSES INVOLVING YOUNG CHILDREN.—A
5 person who, in the course of an offense under this chapter,
6 engages in conduct that results in the death of a person
7 who has not attained the age of 12 years, shall be pun-
8 ished by death or imprisoned for not less than 30 years
9 or for life.”.

10 (b) SEXUAL EXPLOITATION AND OTHER ABUSE OF
11 CHILDREN.—

12 (1) SEXUAL EXPLOITATION OF CHILDREN.—

13 Section 2251(e) of title 18, United States Code, is
14 amended—

15 (A) by striking “15 years nor more than
16 30 years” and inserting “25 years or for life”;

17 (B) by striking “not less than 25 years nor
18 more than 50 years, but if such person has 2
19 or more prior convictions under this chapter,
20 chapter 71, chapter 109A, or chapter 117, or
21 under section 920 of title 10 (article 120 of the
22 Uniform Code of Military Justice), or under the
23 laws of any State relating to the sexual exploi-
24 tation of children, such person shall be fined
25 under this title and imprisoned not less than 35

1 years nor more than life.” and inserting “life.”;
2 and

3 (C) by striking “any term of years or for
4 life” and inserting “not less than 30 years or
5 for life.”.

6 (2) ACTIVITIES RELATING TO MATERIAL IN-
7 VOLVING THE SEXUAL EXPLOITATION OF CHIL-
8 DREN.—Section 2252(b) of title 18, United States
9 Code, is amended—

10 (A) in paragraph (1)—

11 (i) by striking “5 years and not more
12 than 20 years” and inserting “25 years or
13 for life”; and

14 (ii) by striking “not less than 15
15 years nor more than 40 years.” and insert-
16 ing “life.”; and

17 (B) in paragraph (2)—

18 (i) by striking “or imprisoned for not
19 more than” and inserting “and imprisoned
20 for”;

21 (ii) by striking “, or both”; and

22 (iii) by striking “10 years nor more
23 than 20 years.” and inserting “30 years or
24 for life.”.

1 (3) ACTIVITIES RELATING TO MATERIAL CON-
2 STITUTING OR CONTAINING CHILD PORNOGRAPHY.—
3 Section 2252A(b) of title 18, United States Code, is
4 amended—

5 (A) in paragraph (1)—

6 (i) by striking “5 years and not more
7 than 20 years” and inserting “25 years or
8 for life”; and

9 (ii) by striking “not less than 15
10 years nor more than 40 years” and insert-
11 ing “life”; and

12 (B) in paragraph (2)—

13 (i) by striking “or imprisoned not
14 more than 10 years, or both” and inserting
15 “and imprisoned for 10 years”; and

16 (ii) by striking “10 years nor more
17 than 20 years” and inserting “30 years or
18 for life”.

19 (4) USING MISLEADING DOMAIN NAMES TO DI-
20 RECT CHILDREN TO HARMFUL MATERIAL ON THE
21 INTERNET.—Section 2252B(b) of title 18, United
22 States Code, is amended by striking “or imprisoned
23 not more than 4 years, or both” and inserting “ and
24 imprisoned not less than 10 years”.

1 (5) PRODUCTION OF SEXUALLY EXPLICIT DE-
2 PICTIONS OF CHILDREN.—Section 2260(c) of title
3 18, United States Code, is amended by striking
4 paragraphs (1) and (2) and inserting the following:

5 “(1) shall be fined under this title and impris-
6 oned for not less than 25 years; and

7 “(2) if the person has a prior conviction under
8 this chapter or chapter 109A, shall be fined under
9 this title and imprisoned for life.”.

10 (c) CONDUCT RELATING TO CHILD PROSTITU-
11 TION.—Section 2423 of title 18, United States Code, is
12 amended—

13 (1) in subsection (a), by striking “5 years and
14 not more than 30 years” and inserting “30 years or
15 for life”;

16 (2) in subsection (b), by striking “or impris-
17 oned not more than 30 years, or both” and inserting
18 “and imprisoned for not less than 10 years and not
19 more than 30 years”;

20 (3) in subsection (c), by striking “or imprisoned
21 not more than 30 years, or both” and inserting “and
22 imprisoned for not less than 10 years and not more
23 than 30 years”; and

1 (4) in subsection (d), by striking “imprisoned
2 not more than 30 years, or both” and inserting “and
3 imprisoned for 30 years”.

4 (d) MANDATORY LIFE IMPRISONMENT FOR CERTAIN
5 REPEATED SEX OFFENSES AGAINST CHILDREN.—Sec-
6 tion 3559(e)(2)(A) of title 18, United States Code, is
7 amended—

8 (1) by striking “or 2423(a)” and inserting
9 “2423(a)”; and

10 (2) by inserting “, 2423(b) (relating to travel
11 with intent to engage in illicit sexual conduct), or
12 2425 (relating to use of interstate facilities to trans-
13 mit information about a minor)” after “minors”).

○