

109TH CONGRESS
1ST SESSION

H. R. 3107

To protect against child predators and trafficking in persons.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2005

Ms. HARRIS introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To protect against child predators and trafficking in persons.

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 “Carlie’s Law”.

5 **SEC. 2. COORDINATION AMONG DEPARTMENT OF STATE,**
6 **DEPARTMENT OF HOMELAND SECURITY, AND**
7 **FEDERAL BUREAU OF INVESTIGATION TO**
8 **MONITOR OVERSEAS SEX OFFENDERS UPON**
9 **RETURN TO THE UNITED STATES.**

10 (a) STATE DEPARTMENT TO NOTIFY CUSTOMS AND
11 BORDER PROTECTION AGENTS.—Whenever it is made
12 known to the Secretary of State that a citizen of the

1 United States has been convicted outside the United
2 States of a child predatory crime—

3 (1) the Secretary of State shall promptly notify
4 the Secretary of Homeland Security of the convic-
5 tion of that individual; and

6 (2) the Secretary of Homeland Security shall
7 ensure that the information relating to the convic-
8 tion is available to, and used by, agents of the Bu-
9 reau of Customs and Border Protection.

10 (b) CUSTOMS AND BORDER PROTECTION AGENTS TO
11 NOTIFY FBI.—Whenever it is made known to an agent
12 of the Bureau of Customs and Border Protection that a
13 citizen of the United States, who has been convicted out-
14 side the United States of a child predatory crime, has en-
15 tered the United States—

16 (1) the Secretary of Homeland Security shall
17 promptly notify the Director of the Federal Bureau
18 of Investigation of the entry of that citizen; and

19 (2) the Director of the Federal Bureau of In-
20 vestigation shall ensure that the information relating
21 to the entry of that citizen is promptly entered into
22 the National Sex Offender Registry.

23 (c) DEFINITION.—In this section, the term “child
24 predatory crime” includes—

1 (1) any crime under which a child is exploited
2 for sexual purposes, such as molestation, rape, fond-
3 ling, or trafficking; and

4 (2) any felony in which a child is the victim.

5 **SEC. 3. EXPANSION OF NATIONAL SEX OFFENDER REG-**
6 **ISTRY TO INCLUDE INDIVIDUALS CONVICTED**
7 **OF EXPLOITATION OR TRAFFICKING.**

8 Section 170101 of the Violent Crime Control and
9 Law Enforcement Act of 1994 (42 U.S.C. 14071) is
10 amended in subsection (a)(3)(A)—

11 (1) by striking “or” at the end of clause (viii);

12 (2) by redesignating clause (ix) as clause (xi);

13 (3) by inserting after clause (viii) the following
14 new clauses:

15 “(ix) exploitation of a minor;

16 “(x) trafficking in persons with re-
17 spect to a minor; or”; and

18 (4) in clause (xi), as so redesignated, by strik-
19 ing “clauses (i) through (vii)” and inserting “clauses
20 (i) through (x)”.

21 **SEC. 4. CRIMINAL FORFEITURE OF PROPERTY OF PERSONS**
22 **CONVICTED OF EXPLOITATION OR TRAF-**
23 **FICKING.**

24 (a) PROPERTY SUBJECT TO CRIMINAL FOR-
25 FEITURE.—Any person convicted of a violation of a Fed-

1 eral law relating to exploitation or trafficking in persons
2 shall forfeit to the United States, irrespective of any provi-
3 sion of State law—

4 (1) any property constituting, or derived from,
5 any proceeds the person obtained, directly or indi-
6 rectly, as the result of such violation; and

7 (2) any of the person’s property used, or in-
8 tended to be used, in any manner or part, to com-
9 mit, or to facilitate the commission of, such viola-
10 tion.

11 (b) COURT ORDER.—The court, in imposing sentence
12 on such person, shall order, in addition to any other sen-
13 tence imposed for that offense, that the person forfeit to
14 the United States all property described in subsection (a).
15 In lieu of a fine otherwise authorized for that offense, a
16 defendant who derives profits or other proceeds from an
17 offense may be fined not more than twice the gross profits
18 or other proceeds.

19 (c) INCORPORATION OF CRIMINAL FORFEITURE PRO-
20 VISIONS OF CONTROLLED SUBSTANCES ACT.—The fol-
21 lowing provisions of section 413 of the Controlled Sub-
22 stances Act (21 U.S.C. 853) apply to a conviction referred
23 to in subsection (a): Subsections (b) through (i) and sub-
24 sections (k) through (p).

1 (d) COMPARABLE STATE FORFEITURE LAWS.—Each
2 State shall have in effect laws and policies comparable to
3 the laws and policies in this section. A State that, as deter-
4 mined by the Attorney General, fails to have in effect such
5 laws and policies shall not receive any grant amounts or
6 other assistance under any program of the Department
7 of Justice.

8 **SEC. 5. ELECTRONIC SURVEILLANCE OF INDIVIDUALS CON-**
9 **VICTED OF A CRIMINAL OFFENSE AGAINST A**
10 **MINOR AGE 12 OR UNDER.**

11 (a) SURVEILLANCE REQUIRED.—Any person con-
12 victed of a criminal offense against a victim who is a minor
13 (as defined in section 170101 of the Violent Crime Control
14 and Law Enforcement Act of 1994) shall, if the minor
15 was age 12 or under, be subject to electronic surveillance
16 for the life of the person, except as provided in this sec-
17 tion.

18 (b) EXCEPTIONS.—

19 (1) DURING PERIOD OF IMPRISONMENT.—A
20 person shall not be subject to electronic surveillance
21 under subsection (a) during a period of imprison-
22 ment.

23 (2) AFTER DETERMINED TO BE NO LONGER A
24 THREAT TO COMMUNITY.—After a person has com-
25 pleted any period of imprisonment, probation, pa-

1 role, or supervised release, and has completed any
2 mandatory counseling, an appropriate official shall
3 periodically assess, in an appropriate proceeding,
4 whether the person no longer presents a threat to
5 the community. If the official so determines, and
6 that determination becomes final, the person shall
7 not be subject to electronic surveillance under sub-
8 section (a) thereafter.

9 (c) OFFICIALS RESPONSIBLE.—The United States
10 Marshals Service and the Bureau of Prisons shall be re-
11 sponsible for carrying out the electronic surveillance re-
12 quired by this section.

13 (d) TYPE OF SURVEILLANCE.—Surveillance required
14 by this section shall be carried out using devices approved
15 by the United States Marshals Service.

16 (e) COMPARABLE STATE ELECTRONIC SURVEIL-
17 LANCE LAWS.—Each State shall have in effect laws and
18 policies comparable to the laws and policies in this section.
19 A State that, as determined by the Attorney General, fails
20 to have in effect such laws and policies shall not receive
21 any grant amounts or other assistance under any program
22 of the Department of Justice.

1 **SEC. 6. RECLASSIFICATION OF TRAFFICKING IN PERSONS**
2 **AS CRIME OF VIOLENCE UNDER FEDERAL**
3 **SENTENCING GUIDELINES.**

4 Pursuant to its authority under section 994(p) of title
5 28, United States Code, the United States Sentencing
6 Commission shall amend the Federal Sentencing Guide-
7 lines to provide for trafficking in persons to be treated
8 as a crime of violence.

9 **SEC. 7. REVOCATION OF PROBATION OR SUPERVISED RE-**
10 **LEASE.**

11 (a) PROBATION.—Section 3565(b) of title 18, United
12 States Code, is amended—

13 (1) in paragraph (3) by striking “or” at the
14 end; and

15 (2) by inserting after paragraph (4) the fol-
16 lowing new paragraphs:

17 “(5) commits a felony crime of violence; or

18 “(6) commits a crime of violence against, or an
19 offense that consists of or is intended to facilitate
20 unlawful sexual contact (as defined in section 2246)
21 with, a person who has not attained the age of 16
22 years;”.

23 (b) SUPERVISED RELEASE.—Section 3583(g) of title
24 18, United States Code, is amended—

25 (1) in paragraph (3) by striking “or” at the
26 end; and

1 (2) by inserting after paragraph (4) the fol-
2 lowing new paragraphs:

3 “(5) commits a felony crime of violence; or

4 “(6) commits a crime of violence against, or an
5 offense that consists of or is intended to facilitate
6 unlawful sexual contact (as defined in section 2246)
7 with, a person who has not attained the age of 16
8 years;”.

9 **SEC. 8. STANDARDIZATION OF INFORMATION IN NATIONAL**
10 **SEX OFFENDER REGISTRY.**

11 (a) **STANDARDIZATION REQUIRED.**—The Attorney
12 General shall prescribe regulations that specify the fields
13 of information used in the National Sex Offender Reg-
14 istry. The Attorney General shall ensure that each State
15 or other entity that provides information to the National
16 Sex Offender Registry provides, to the maximum extent
17 practicable, all the information specified in the regula-
18 tions.

19 (b) **REPORT.**—Not later than 120 days after the date
20 of the enactment of this Act, the Attorney General shall
21 submit to Congress a report on the regulations required
22 by subsection (a).

1 **SEC. 9. FORFEITURE OF PROPERTY BY PERSONS CON-**
2 **VICTED OF TRAFFICKING IN PERSONS.**

3 (a) IN GENERAL.—Chapter 117 of title 18, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 2428. Forfeiture**

7 “(a) FORFEITURE REQUIRED.—The court, in impos-
8 ing sentence on any person convicted of a violation of this
9 chapter, shall order, in addition to any other sentence im-
10 posed and irrespective of any provision of State law, that
11 such person shall forfeit to the United States—

12 “(1) such person’s interest in any property, real
13 or personal, that was used or intended to be used to
14 commit or to facilitate the commission of such viola-
15 tion; and

16 “(2) any property, real or personal, constituting
17 or derived from, any proceeds that such person ob-
18 tained, directly or indirectly, as a result of such vio-
19 lation.

20 “(b) PROPERTY SUBJECT TO FORFEITURE.—

21 “(1) IN GENERAL.—The following shall be sub-
22 ject to forfeiture to the United States and no prop-
23 erty right shall exist in them:

24 “(A) Any property, real or personal, used
25 or intended to be used to commit or to facilitate
26 the commission of any violation of this chapter.

1 “(B) Any property, real or personal, which
2 constitutes or is derived from proceeds traceable
3 to any violation of this chapter.

4 “(2) RELATIONSHIP TO CHAPTER 46.—The pro-
5 visions of chapter 46 of this title relating to civil for-
6 feitures shall extend to any seizure or civil forfeiture
7 under this subsection.”.

8 (b) TECHNICAL AMENDMENT.—The chapter analysis
9 at the beginning of such chapter is amended by adding
10 at the end the following new item:

“2428. Forfeiture.”.

