

109TH CONGRESS
1ST SESSION

H. R. 3582

To promote the improvement of information on, and protections against,
child sexual abuse.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. NEY (for himself, Mr. AL GREEN of Texas, Mr. BONNER, Mr. GILCHREST, Mr. BURTON of Indiana, Mr. KUHLMANN of New York, Mr. WILSON of South Carolina, Mr. CHABOT, Mr. JENKINS, Mr. SMITH of New Jersey, Mr. WEXLER, Mr. NADLER, Mr. BOUSTANY, Mr. WELDON of Pennsylvania, Mr. SIMPSON, Mr. WEINER, Mr. HASTINGS of Florida, and Mr. FILNER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, 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

A BILL

To promote the improvement of information on, and
protections against, child sexual abuse.

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 “Child Abuse Reform
5 and Enforcement Act of 2005” or “CARE Act of 2005”.

1 **TITLE I—WITHHOLDING AND RE-**
2 **DISTRIBUTION OF CERTAIN**
3 **STATE CHILD PROTECTION**
4 **FUNDS**

5 **SEC. 101. WITHHOLDING AND REDISTRIBUTION OF STATE**
6 **FUNDS.**

7 (a) CHILD ABUSE PREVENTION AND TREATMENT
8 ACT.—Beginning 1 year after the date of the enactment
9 of this Act, the Secretary of Health and Human Services
10 shall reduce, by 25 percent, the allocation to a State for
11 a fiscal year under title I of the Child Abuse Prevention
12 and Treatment Act that does not meet each of the require-
13 ments of title II of this Act.

14 (b) NATIONAL CHILD PROTECTION ACT OF 1993.—
15 Beginning 1 year after the date of the enactment of this
16 Act, the Attorney General shall reduce, by 25 percent,
17 amounts under a grant under section 4(b) of the National
18 Child Protection Act of 1993 to a State for a fiscal year
19 that does not meet each of the requirements of title II
20 of this Act.

21 (c) REDISTRIBUTION OF FUNDS.—The Attorney
22 General shall, using funds withheld under this section and
23 amounts appropriated pursuant to the authorization of ap-
24 propriations under section 102, provide grants to States

1 that meet the requirements of title II of this Act. A grant
2 made under this subsection shall be used—

3 (1) for the computerization of data and crimi-
4 nal history files for purposes of title II of this Act;

5 (2) for the improvement of existing data and
6 computerized criminal history files for purposes of
7 title II of this Act; and

8 (3) to assist the State in the transmittal of data
9 and criminal records to, or the indexing of data and
10 criminal history records in, the national data and
11 criminal history systems for purposes of title II of
12 this Act.

13 **SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR ADDI-**
14 **TIONAL FUNDING GRANTS FOR THE IM-**
15 **PROVEMENT OF CHILD ABUSE CRIME INFOR-**
16 **MATION.**

17 There are authorized to be appropriated for addi-
18 tional grants under section 101(c) \$50,000,000 for each
19 of the fiscal years 2006 through 2009.

1 **TITLE II—CHILD SEXUAL ABUSE**
2 **PROTECTION AND SEN-**
3 **TENCING REFORM**

4 **SEC. 201. REQUIREMENT TO EQUALIZE SENTENCING RE-**
5 **QUIREMENTS FOR INTRAFAMILIAL AND**
6 **EXTRAFAMILIAL CHILD SEXUAL ABUSE.**

7 (a) STATE STUDY OF LAWS REGARDING
8 INTRAFAMILIAL AND EXTRAFAMILIAL CHILD SEXUAL
9 ABUSE.—A State meets the requirements of this sub-
10 section if, not later than 1 year after the date of enact-
11 ment of this Act, the State—

12 (1) has studied the laws in the State that apply
13 to intrafamilial and extrafamilial sexual abuse of
14 children; and

15 (2) has examined, at a minimum—

16 (A) issues concerning differences in laws
17 applicable to intrafamilial and extrafamilial
18 child sexual abuse;

19 (B) issues concerning disparities in charg-
20 ing and sentencing perpetrators of child sexual
21 abuse, resulting from differences in applicable
22 laws; and

23 (C) issues concerning legislative actions
24 necessary to equalize charging and sentencing
25 of perpetrators of sexual abuse without regard

1 to familial relationship of perpetrator to child
2 victim.

3 (b) REPORT TO THE ATTORNEY GENERAL.—A State
4 meets the requirements of this subsection if the State sub-
5 mits to the Attorney General a report that contains the
6 results of the study conducted under subsection (a).

7 (c) LEGISLATIVE ACTIONS TO EQUALIZE SEN-
8 TENCING REQUIREMENTS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), a State meets the requirements of this
11 subsection if, not later than 1 year after the date of
12 enactment of this Act, the State has implemented
13 legislative actions necessary to equalize charging and
14 sentencing of perpetrators of sexual abuse without
15 regard to familial relationship of perpetrator to child
16 victim.

17 (2) EXCEPTION.—The Attorney General may
18 provide for an extension of the 1-year time require-
19 ment in paragraph (1) for any State if the Attorney
20 General determines that State legislation (other than
21 legislation appropriating funds) is required to meet
22 the additional requirements imposed by this Act.

1 **SEC. 202. REQUIREMENT TO GATHER INFORMATION ON**
2 **SEXUAL ABUSE OF CHILDREN.**

3 A State meets the requirements of this section if the
4 State—

5 (1) compiles and analyzes data relating to
6 intrafamilial and extrafamilial sexual abuse of chil-
7 dren;

8 (2) promotes regulations requiring the gath-
9 ering of such data by State courts and State agen-
10 cies for compilation and analysis purposes;

11 (3) provides, on an annual basis, to the Attor-
12 ney General, the Secretary of Health and Human
13 Services, and the Bureau of Justice Statistics a re-
14 port containing the data referred to in paragraph
15 (1) and a description of the regulations referred to
16 in paragraph (2).

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