

110TH CONGRESS  
1ST SESSION

# H. R. 2105

To prevent the abuse and exploitation of older individuals.

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IN THE HOUSE OF REPRESENTATIVES

MAY 2, 2007

Mr. CHANDLER introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To prevent the abuse and exploitation of older individuals.

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 “Elder Abuse Preven-  
5       tion Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) The number of older Americans who are  
9       abused, neglected, or exploited is increasing, and a  
10      large percentage of elder abuse cases are not re-  
11      ported to Federal and State law enforcement au-  
12      thorities.

1           (2) The number of Americans aged 65 and  
2 older is projected to increase exponentially in the  
3 coming years, and many of these valued citizens will  
4 begin to constitute a vulnerable population at in-  
5 creased risk of abuse and exploitation in domestic  
6 and community-based settings.

7           (3) The projected increase in the number of  
8 Americans aged 65 and over is expected to result in  
9 a corresponding increase in the number of cases of  
10 elder abuse, which suggests an urgent need for com-  
11 prehensive consideration of means by which such  
12 abuse can be prevented, reported, and prosecuted by  
13 Federal and State authorities.

14          (4) Violent, physical, and sexual assaults upon  
15 older Americans are particularly abhorrent and  
16 should be prosecuted vigorously by Federal and  
17 State law enforcement authorities. Such acts should  
18 be deterred by appropriate penalties including en-  
19 hanced penalties and the elimination of parole for  
20 individuals convicted of violent sexual offenses  
21 against the elderly.

1 **SEC. 3. NO PAROLE FOR SEXUAL OFFENSES COMMITTED**  
2 **AGAINST THE ELDERLY OR FOR SEXUALLY**  
3 **VIOLENT PREDATORS.**

4 (a) IN GENERAL.—For each fiscal year after the ex-  
5 piration of the period specified in subsection (b)(1) in  
6 which a State receives funds for a program referred to  
7 in subsection (b)(2), the State shall have in effect through-  
8 out the State laws and policies that prohibit parole for  
9 any individual who is—

10 (1) convicted of a criminal sexual offense  
11 against a victim who is elderly, which shall include  
12 any such offense under State law for conduct that  
13 would constitute an offense under chapter 109A of  
14 title 18, United States Code, had the conduct oc-  
15 curred in the special maritime and territorial juris-  
16 diction of the United States or in a Federal prison;  
17 or

18 (2) a sexually violent predator.

19 (b) COMPLIANCE AND INELIGIBILITY.—

20 (1) COMPLIANCE DATE.—Each State shall have  
21 not more than 3 years from the date of enactment  
22 of this Act to comply with subsection (a), except  
23 that—

24 (A) the Attorney General may grant an ad-  
25 ditional 2 years to a State that is making good

1 faith efforts to comply with such subsection;  
2 and

3 (B) the Attorney General shall waive the  
4 requirements of subsection (a) if compliance  
5 with such subsection by a State would be un-  
6 constitutional under the constitution of such  
7 State.

8 (2) INELIGIBILITY FOR FUNDS.—For any fiscal  
9 year after the expiration of the period specified in  
10 paragraph (1), a State that fails to comply with sub-  
11 section (a) shall not receive 10 percent of the funds  
12 that would otherwise be allocated for that fiscal year  
13 to the State under Subpart 1 of Part E of title I  
14 of the Omnibus Crime Control and Safe Streets Act  
15 of 1968 (42 U.S.C. 3750 et seq.), whether charac-  
16 terized as the Edward Byrne Memorial State and  
17 Local Law Enforcement Assistance Programs, the  
18 Local Government Law Enforcement Block Grants  
19 Program, the Edward Byrne Memorial Justice As-  
20 sistance Grant Program, or otherwise.

21 (c) REALLOCATION.—Amounts not allocated under a  
22 program referred to in subsection (b)(2) to a State for  
23 failure to fully comply with subsection (a) shall be reallo-  
24 cated under that program to States that have not failed  
25 to comply with such subsection.

1 (d) DEFINITION.—For the purposes of this section,  
2 the term “sexually violent predator” means a person who  
3 has been convicted of a sexually violent offense and who  
4 suffers from a mental abnormality or personality disorder  
5 that makes the person likely to engage in predatory sexu-  
6 ally violent offenses.

7 **SEC. 4. AMENDMENT TO THE FEDERAL SENTENCING**  
8 **GUIDELINES.**

9 (a) REQUEST FOR IMMEDIATE CONSIDERATION BY  
10 THE UNITED STATES SENTENCING COMMISSION.—Pur-  
11 suant to its authority under section 994(p) of title 28,  
12 United States Code, and in accordance with this section,  
13 the United States Sentencing Commission is requested  
14 to—

15 (1) promptly review the sentencing guidelines  
16 applicable to sexual offenses committed against the  
17 elderly;

18 (2) expeditiously consider the promulgation of  
19 new sentencing guidelines or amendments to existing  
20 sentencing guidelines to provide an enhancement for  
21 such offenses; and

22 (3) submit to Congress an explanation of ac-  
23 tions taken by the Sentencing Commission pursuant  
24 to paragraph (2) and any additional policy rec-

1       ommendations the Sentencing Commission may have  
2       for combating offenses described in paragraph (1).

3       (b) CONSIDERATIONS IN REVIEW.—In carrying out  
4 this section, the Sentencing Commission is requested to—

5           (1) ensure that the sentencing guidelines and  
6       policy statements reflect the serious nature of such  
7       offenses and the need for aggressive and appropriate  
8       law enforcement action to prevent such offenses;

9           (2) assure reasonable consistency with other  
10      relevant directives and with other guidelines;

11          (3) account for any aggravating or mitigating  
12      circumstances that might justify exceptions, includ-  
13      ing circumstances for which the sentencing guide-  
14      lines currently provide sentencing enhancements;

15          (4) make any necessary conforming changes to  
16      the sentencing guidelines; and

17          (5) assure that the guidelines adequately meet  
18      the purposes of sentencing as set forth in section  
19      3553 (a)(2) of title 18, United States Code.

20      (c) EMERGENCY AUTHORITY AND DEADLINE FOR  
21 COMMISSION ACTION.—The United States Sentencing  
22 Commission is requested to promulgate the guidelines or  
23 amendments provided for under this section as soon as  
24 practicable, and in any event not later than the 180 days  
25 after the date of enactment of this Act, in accordance with

1 the procedures sent forth in section 21(a) of the Sen-  
2 tencing Reform Act of 1987, as though the authority  
3 under that Act had not expired.

