

110TH CONGRESS
1ST SESSION

H. R. 3149

To protect children from sex offenders.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2007

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

A BILL

To protect children from sex offenders.

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 “Protecting America’s
5 Children Act of 2007”.

6 **SEC. 2. BYRNE GRANT FUNDING CONDITIONED ON CER-**
7 **TIFICATION OF CERTAIN PRE-TRIAL RE-**
8 **LEASE PROTECTIONS.**

9 (a) **LIMITATION ON FUNDING.—**

10 (1) **BYRNE GRANTS RESTRICTED.**—Notwith-
11 standing any other provision of law, the Attorney
12 General shall not provide any funds authorized

1 under subpart 1 of part E of title I of the Omnibus
2 Crime Control and Safe Streets Act of 1968 (42
3 U.S.C. 3750 et seq.) (whether characterized as the
4 Edward Byrne Memorial Justice Assistance Grant
5 Program, the Edward Byrne Memorial State and
6 Local Law Enforcement Assistance Programs, the
7 Local Government Law Enforcement Block Grants
8 Program, or otherwise) to any State or unit of local
9 government for any fiscal year for which the State
10 or unit of local government, respectively, fails to
11 meet the requirement under subsection (b).

12 (2) REALLOCATION.—Amounts not allocated
13 under subpart 1 of part E of title I of the Omnibus
14 Crime Control and Safe Streets Act of 1968 (42
15 U.S.C. 3750 et seq.) to a State or unit of local gov-
16 ernment for failure to meet the requirement under
17 subsection (b) shall be reallocated under that sub-
18 part to States and units of local government that
19 have not failed to meet such requirement.

20 (b) REQUIREMENT TO PROVIDE CERTIFICATION OF
21 PRE-TRIAL RELEASE PROTECTIONS.—For purposes of
22 subsection (a)(1), the chief executive officer of a State or
23 unit of local government shall submit to the Attorney Gen-
24 eral for a fiscal year a certification, in accordance with
25 such form, manner, and time as specified by the Attorney

1 General, that the laws of the State or unit of local govern-
2 ment, respectively, provide adequate protection against the
3 pre-trial release of individuals described in subsection
4 (c)(1). For purposes of the previous sentence, in order to
5 demonstrate adequate protection the certification must
6 provide that the laws of the State or unit of local govern-
7 ment, respectively, provide for at least the measures de-
8 scribed in subsection (c).

9 (c) PRE-TRIAL RELEASE MEASURES DESCRIBED.—
10 For purposes of subsection (b), the measures described in
11 this subsection, with respect to a State or unit of local
12 government, are the following:

13 (1) A measure that authorizes an appropriate
14 judicial officer of the State or unit of local govern-
15 ment, respectively, to conduct a pre-trial detention
16 hearing with respect to any individual—

17 (A) who at the time of the hearing is
18 charged with a State or local offense for con-
19 duct that, if the conduct had occurred in the
20 special maritime and territorial jurisdiction of
21 the United States would constitute an offense
22 under section 1201, 2241, 2243, or 2245, or
23 chapter 109B or 110, of title 18, United States
24 Code; and

1 (B) who poses a serious risk (as deter-
2 mined by such judicial officer) of—

3 (i) fleeing;

4 (ii) obstructing justice or attempting
5 to obstruct justice; or

6 (iii) threatening, injuring, intimi-
7 dating, or attempting to threaten, injure,
8 or intimidate a potential witness, judge,
9 magistrate, or juror involved.

10 (2) A measure that provides that an individual
11 described in paragraph (1) shall be detained prior to
12 trial for the period beginning at presentment and
13 ending on either the last day of the pre-trial deten-
14 tion hearing involved or the last day of any continu-
15 ance period, whichever is later.

16 (d) EFFECTIVE DATE; TRANSITION.—Subsection (a)
17 shall apply to funds authorized under subpart 1 of part
18 E of title I of the Omnibus Crime Control and Safe Streets
19 Act of 1968 (42 U.S.C. 3750 et seq.) for the first fiscal
20 year beginning after two years after the date of the enact-
21 ment of this Act, and for each subsequent fiscal year. To
22 be eligible for any funds authorized under such subpart
23 for a fiscal year beginning after the date of the enactment
24 of this Act and before such first fiscal year, a State or
25 unit of local government shall submit to the Attorney Gen-

1 eral a certification that the State or unit of local govern-
2 ment, respectively, has made reasonable efforts to ensure
3 that the State or unit of local government, respectively,
4 will meet the requirement under subsection (a)(1) by the
5 first day of such first fiscal year.

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