

110TH CONGRESS
1ST SESSION

H. R. 3665

To amend chapter 87 of title 18, United States Code, to end the terrorizing effects of the sale of murderabilia on crime victims and their families.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2007

Mr. REICHERT (for himself and Mr. ELLSWORTH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend chapter 87 of title 18, United States Code, to end the terrorizing effects of the sale of murderabilia on crime victims and their families.

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 “Stop the Sale of
5 Murderabilia to Protect the Dignity of Crime Victims Act
6 of 2007”.

1 **SEC. 2. RESTRICTIONS ON THE MAILING AND DELIVERY**
2 **PRIVILEGES OF STATE AND FEDERAL PRIS-**
3 **ONERS FOR COMMERCIAL PURPOSES.**

4 (a) IN GENERAL.—Chapter 87 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 1794. Restrictions on the mailing and delivery**
8 **privileges of State and Federal prisoners**
9 **for commercial purposes**

10 “(a) IN GENERAL.—Except as provided in subsection
11 (d), any person who, while incarcerated in a prison, know-
12 ingly deposits for mailing or delivery, or knowingly causes
13 to be delivered by mail, any property, article, or object,
14 with intent that the property, article, or object be placed
15 in interstate or foreign commerce, shall be fined under this
16 title and imprisoned not less than 3 years and not more
17 than 10 years. Any sentence imposed under this sub-
18 section shall run consecutive to any other sentence im-
19 posed.

20 “(b) PERIOD OF LIMITATIONS.—An indictment for
21 any offense punishable under this section may be found
22 at any time without limitation.

23 “(c) GUIDELINES.—The Director of the Bureau of
24 Prisons and the head of the department of corrections,
25 or other similar agency, for any State may promulgate

1 uniform guidelines to restrict the privileges of any person
2 that violates this section.

3 “(d) EXCEPTION.—A person incarcerated in a prison
4 may mail or deliver or cause to be delivered by mail title
5 to real property, title to motor vehicles, or a security if—

6 “(1) the mailing or delivery is to satisfy debt
7 that is—

8 “(A) imposed by law or a court order, in-
9 cluding—

10 “(i) support obligations;

11 “(ii) property taxes;

12 “(iii) income taxes;

13 “(iv) back taxes;

14 “(v) a legal judgment, fine, or restitu-
15 tion;

16 “(vi) fees to cover the cost of incarcer-
17 ation, including fees for health care while
18 incarcerated imposed under section 4048;
19 and

20 “(vii) other financial obligations man-
21 dated by law or a court order; or

22 “(B) incurred through a contract for—

23 “(i) legal services;

1 “(ii) a mortgage on the primary resi-
2 dence of the immediate family of the pris-
3 oner;

4 “(iii) the education or medical care of
5 the prisoner or a member of the immediate
6 family of the prisoner; or

7 “(iv) life, health, home, or car insur-
8 ance; or

9 “(2) the prisoner’s consent is required by law to
10 transfer title for real property, a motor vehicle, or
11 security, where a person who is not incarcerated in
12 a prison is the owner or a co-owner of that real
13 property, motor vehicle, or security.

14 “(e) DEFINITIONS.—In this section—

15 “(1) the term ‘prison’—

16 “(A) means a Federal or State correc-
17 tional, detention, or penal facility or any prison,
18 institution, or facility in which persons are held
19 in custody by direction of or pursuant to a con-
20 tract or agreement with the Attorney General of
21 the United States or with a State; and

22 “(B) does not include a halfway house or
23 location where a person is under home confine-
24 ment;

25 “(2) the term ‘security’ means—

“(A) a note, stock certificate, treasury stock certificate, bond, treasury bond, debenture, certificate of deposit, interest coupon, bill, check, draft, warrant, debit instrument (as that term is defined in section 916(c) of the Electronic Fund Transfer Act (15 U.S.C. 1693n(c))), money order, traveler’s check, letter of credit, warehouse receipt, negotiable bill of lading, evidence of indebtedness, certificate of interest in or participation in a profit-sharing agreement, collateral-trust certificate, pre-reorganization certificate of subscription, transferable share, investment contract, or voting trust certificate;

“(B) a certificate of interest in, certificate of participation in, certificate for, receipt for, or warrant or option or other right to subscribe to or purchase any item described in subparagraph (A); or

“(C) a blank form of any item described in subparagraph (A) or (B); and

“(3) the terms ‘State’ and ‘support obligation’ have the meanings given those terms in section 228.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

2 The table of sections for chapter 87 of title 18, United
 3 States Code, is amended by adding at the end the fol-
 4 lowing:

“1794. Restrictions on the mailing and delivery privileges of State and Federal
 prisoners for commercial purposes.”.

5 **SEC. 3. CRIMINAL FORFEITURE.**

6 Section 982(a) of title 18, United States Code, is
 7 amended by adding at the end the following:

8 “(9) The court, in sentencing a defendant convicted
 9 of an offense under section 1794, or of a conspiracy to
 10 commit such an offense, shall order that the defendant
 11 forfeit to the United States any real or personal prop-
 12 erty—

13 “(A) used or intended to be used to commit, to
 14 facilitate, or to promote the commission of such of-
 15 fense; and

16 “(B) constituting, derived from, or traceable to
 17 the gross proceeds that the defendant obtained di-
 18 rectly or indirectly as a result of the offense.”.

19 **SEC. 4. CIVIL FORFEITURE.**

20 Any property subject to forfeiture under section
 21 982(a)(9) of title 18, United States Code, as added by
 22 this Act, may be forfeited to the United States in a civil
 23 case in accordance with the procedures set forth in chapter
 24 46 of title 18, United States Code.

1 **SEC. 5. CIVIL REMEDIES.**

2 (a) IN GENERAL.—Any person aggrieved by reason
3 of the conduct prohibited under section 1794 of title 18,
4 United States Code, as added by this Act, may commence
5 a civil action for the relief set forth in subsection (b).

6 (b) RELIEF.—In any action commenced in accord-
7 ance with subsection (a), the court may award appropriate
8 relief, including—

9 (1) temporary, preliminary, or permanent in-
10 junctive relief;

11 (2) compensatory and punitive damages; and

12 (3) the costs of the civil action and reasonable
13 fees for attorneys and expert witnesses.

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