

111TH CONGRESS
1ST SESSION

H. R. 1374

To prevent the abuse and exploitation of older individuals.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2009

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

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 jurisdic-
16 tion 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 of
14 the Omnibus Crime Control and Safe Streets Act of
15 1968 (42 U.S.C. 3750 et seq.), whether character-
16 ized as the Edward Byrne Memorial State and Local
17 Law Enforcement Assistance Programs, the Local
18 Government Law Enforcement Block Grants Pro-
19 gram, the Edward Byrne Memorial Justice Assist-
20 ance 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.

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