

111TH CONGRESS
1ST SESSION

H. R. 3513

To amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2009

Mr. SCALISE introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, 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 amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children.

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 “Prevention and Deter-
5 rence of Crimes Against Children Act of 2009”.

1 **SEC. 2. INCREASED PENALTIES FOR CHILD PORNOGRAPHY**
2 **OFFENSES.**

3 (a) IN GENERAL.—Section 2251(e) of title 18,
4 United States Code, is amended—

5 (1) by striking “15 years nor more than 30
6 years” and inserting “20 years or for life”; and

7 (2) by striking “not less than 25 years nor
8 more than 50 years,” and all that follows through
9 “not less than 35 years nor more than”.

10 (b) OTHER OFFENSES.—Sections 2252(b) and
11 2252A(b) of title 18, United States Code, are each amend-
12 ed—

13 (1) in paragraph (1)—

14 (A) by striking “5 years and not more
15 than 20 years” and inserting “15 years or for
16 life”; and

17 (B) by striking “not less than 15 years nor
18 more than 40 years.” and inserting “life.”; and

19 (2) in paragraph (2)—

20 (A) by striking “or imprisoned not more
21 than 10 years, or both” and inserting “and im-
22 prisoned for not less than 3 years nor more
23 than 20 years”;

24 (B) by inserting “section 1591,” after
25 “this chapter,”; and

1 (C) by striking “10 years nor more than
2 20 years.” and inserting “20 years or for life.”.

3 (c) DOMAIN NAMES.—Section 2252B(b) of title 18,
4 United States Code, is amended by striking “10 years”
5 and inserting “20 years”.

6 (d) TRANSPORTATION OF MINORS.—Section 2423(f)
7 of title 18, United States Code, is amended—

8 (1) by striking “means (1) a” and inserting the
9 following: “means—

10 “(1) a”;

11 (2) by striking “; or (2) any” and inserting the
12 following: “;

13 “(2) any”;

14 (3) by striking the period at the end and insert-
15 ing “; or”; and

16 (4) by adding at the end the following:

17 “(3) production of child pornography, as that
18 term is defined in section 2256(8).”.

19 **SEC. 3. INCREASED PENALTIES FOR CHILD SEX TRAF-**
20 **FICKING AND CHILD PROSTITUTION OF-**
21 **FENSES.**

22 (a) IN GENERAL.—Section 1591(b) of title 18,
23 United States Code, is amended—

24 (1) in paragraph (1), by striking “not less than
25 15” and inserting “not less than 30”; and

1 (2) in paragraph (2), by striking “not less than
2 10” and inserting “not less than 15”.

3 (b) COERCION.—Section 2422 of title 18, United
4 States Code, is amended—

5 (1) in subsection (a), by striking “20 years”
6 and inserting “30 years”; and

7 (2) in subsection (b), by striking “10 years”
8 and inserting “15 years”.

9 (c) TRANSPORTATION OF MINORS.—Section 2423 of
10 title 18, United States Code, is amended—

11 (1) in subsection (a), by striking “10 years”
12 and inserting “15 years”;

13 (2) in subsections (b) and (c), by striking “or
14 imprisoned not more than 30 years, or both.” and
15 inserting “and imprisoned for not less than 10 years
16 (unless the offense is based only on conduct that
17 would be in violation of sections 2243 or 2244) nor
18 more than 30 years.”; and

19 (3) in subsection (d), by striking “, imprisoned
20 not more than 30 years, or both” and inserting “and
21 imprisoned for not less than 10 years nor more than
22 30 years”.

23 (d) GENERAL PROVISIONS.—Section 1594(a) of title
24 18, United States Code, is amended by inserting “or con-
25 spires” after “attempts”.

1 (e) RELEASE AND DETENTION.—Section
2 3156(a)(4)(C) of title 18, United States Code, is amended
3 by inserting “, or section 1591” after “117”.

4 **SEC. 4. INCREASED PENALTIES FOR CHILD SEX OFFENSES**
5 **RESULTING IN DEATH, REPEATED CHILD SEX**
6 **CRIMES, AND FORCIBLE RAPE.**

7 (a) IN GENERAL.—Section 2245 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(b) OFFENSES INVOLVING CHILDREN.—A person
11 who, in the course of an offense under this chapter, chap-
12 ter 110, chapter 117, or section 1591 engages in conduct
13 that results in the death of a person who has not attained
14 the age of 18 years, shall be punished by death or impris-
15 oned for not less than 30 years or for life.”.

16 (b) CLASSIFICATION OF OFFENSES.—Section
17 3559(e)(2)(A) of title 18, United States Code, is amended
18 by striking “2423(a)” and inserting “2423”.

19 (c) SEXUAL ABUSE.—Section 2241 of title 18,
20 United States Code, is amended—

21 (1) in subsection (a), by striking “, imprisoned
22 for any term of years or life, or both” and inserting
23 “and imprisoned for any term of years not less than
24 10 or for life”; and

1 (2) in subsection (b), by striking “, imprisoned
2 for any term of years or life, or both” and inserting
3 “and imprisoned for any term of years not less than
4 5 or for life”.

5 **SEC. 5. SEX TOURISM AND REMOVAL OF SEX OFFENDERS.**

6 (a) IN GENERAL.—The Attorney General shall no-
7 tify—

8 (1) the Secretary of State in a timely manner
9 regarding any conviction of an individual of a viola-
10 tion of section 2423 of title 18, United States Code,
11 for appropriate action under subsection (b) of this
12 section; and

13 (2) the Secretary of Homeland Security in a
14 timely manner regarding any conviction of an alien
15 of a sex offense for appropriate action under sub-
16 section (c) of this section.

17 (b) AUTHORITY TO RESTRICT PASSPORT.—The Sec-
18 retary of State—

19 (1) shall refuse to issue a passport to an indi-
20 vidual if the Secretary receives a notice under sub-
21 section (a) that such individual was convicted of a
22 violation of section 2423 of title 18, United States
23 Code; and

24 (2) may revoke, restrict, or limit a passport
25 issued to an individual convicted of a violation of

1 section 2423 of title 18, United States Code, if the
2 passport was used in furtherance of that violation.

3 (c) REMOVAL OF ALIENS.—The Secretary of Home-
4 land Security shall place an alien convicted of a sex offense
5 in removal proceedings under section 240 of the Immigra-
6 tion and Nationality Act (8 U.S.C. 1229a).

7 (d) GROUNDS OF INADMISSIBILITY AND REMOV-
8 ABILITY.—

9 (1) IN GENERAL.—Section 212(a)(2) of the Im-
10 migration and Nationality Act (8 U.S.C. 1182(a)(2))
11 is amended by adding at the end the following:

12 “(J) SEXUAL ABUSE OF A MINOR.—

13 “(i) IN GENERAL.—An alien who is
14 convicted of sexual abuse of a minor is in-
15 admissible.

16 “(ii) SEX OFFENSES.—For purposes
17 of this subparagraph, an alien who has
18 been convicted of a sex offense (as that
19 term is defined in section 111 of the Adam
20 Walsh Child Protection and Safety Act of
21 2006 (42 U.S.C. 16911)) shall be consid-
22 ered to have been convicted of sexual abuse
23 of a minor. An alien convicted of a sex of-
24 fense shall be ineligible for any discre-
25 tionary relief under this Act.”.

1 (2) DEPORTABLE ALIENS.—Section
2 237(a)(2)(A)(iii) of the Immigration and Nationality
3 Act (8 U.S.C. 1227(a)(2)(A)(iii)) is amended by
4 adding at the end the following: “For purposes of
5 this clause, an alien who has been convicted of a sex
6 offense (as that term is defined in section 111 of the
7 Adam Walsh Child Protection and Safety Act of
8 2006 (42 U.S.C. 16911)) shall be considered to have
9 been convicted of sexual abuse of a minor.”.

10 (e) DEFINITION OF SEX OFFENSE.—In this section,
11 the term “sex offense” has the meaning given that term
12 in section 111 of the Adam Walsh Child Protection and
13 Safety Act of 2006 (42 U.S.C. 16911).

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