

111TH CONGRESS
2D SESSION

S. 3468

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 SENATE OF THE UNITED STATES

JUNE 9, 2010

Mr. CORNYN (for himself and Ms. KLOBUCHAR) introduced the following bill; which was read twice and 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 2010”.

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), an inmate of a prison convicted of a crime of violence
12 who knowingly deposits for mailing or delivery, or know-
13 ingly causes to be delivered by mail, any property, article,
14 or object, with intent that the property, article, or object
15 be placed in interstate or foreign commerce, shall be fined
16 under this title and imprisoned not less than 6 months
17 and not more than 10 years. Any term of imprisonment
18 imposed under this subsection shall run consecutive to any
19 other term of imprisonment.

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 inmate
 2 of a prison that violates this section.

3 “(d) EXCEPTION.—An inmate of a prison may mail
 4 or deliver or cause to be delivered by mail title to real
 5 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 in-
 3 mate;

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

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

9 “(2) the consent of the inmate is required by
 10 law to transfer title for real property, a motor vehi-
 11 cle, or security, where a person who is not incarcer-
 12 ated in a prison is the owner or a co-owner of that
 13 real 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
 21 of the United States or a State; and

22 “(B) does not include a halfway house or
 23 location where an individual is under home con-
 24 finement;

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, fa-
14 cilitate, or promote the commission of such offense;
15 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 action in accordance with the procedures set forth in chap-
24 ter 46 of title 18, United States Code.

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

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

7 (b) RELIEF.—In any civil action brought under sub-
8 section (a), the court may award appropriate relief, includ-
9 ing—

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

12 (2) compensatory and punitive damages; and

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

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