

114TH CONGRESS
2D SESSION

H. R. 5865

To create penalties for massage establishment owners and employees who fail to report knowledge or reasonable suspicion of sexual assault.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Mr. MEEHAN (for himself and Ms. CLARK of Massachusetts) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To create penalties for massage establishment owners and employees who fail to report knowledge or reasonable suspicion of sexual assault.

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 referred to as the “Duty to Report
5 Sexual Assault Act of 2016”.

6 **SEC. 2. SEXUAL ASSAULT REPORTING REQUIREMENT AND**
7 **PENALTIES.**

8 (a) ESTABLISHMENT.—Chapter 73 of title 18,
9 United States Code, is amended by adding at the end the
10 following new section:

1 **“§ 1522. Failure of a massage establishment owner or**
2 **employee to report sexual assault**

3 “(a) Whoever, being the owner or employee of a mas-
4 sage establishment—

5 “(1)(A) knows or reasonably suspects that an-
6 other employee of the massage establishment sexu-
7 ally assaulted another person on the premises of, or
8 while performing services on behalf of, the massage
9 establishment; and

10 “(B) fails to report to such knowledge or rea-
11 sonable suspicion to the appropriate law enforcement
12 agency; or

13 “(2) in the case of an owner of a massage es-
14 tablishment, fails to display in a manner that is visi-
15 ble to customers of such establishment the policies
16 and procedures of such establishment relating to
17 sexual assault prevention and response, including the
18 policy or procedure relating to reporting sexual as-
19 saults to the appropriate law enforcement agency,
20 shall be punished as provided in subsection (b).

21 “(b) The punishment for an offense—

22 “(1) under subsection (a)(1), is a fine in an
23 amount not more than \$1,500, imprisonment for a
24 period of not more than six months, or both; and

25 “(2) under subsection (a)(2), is a fine in an
26 amount not more than \$500.

1 “(c) In this section:

2 “(1) The term ‘massage establishment’ means
3 any establishment that offers for sale massage serv-
4 ices.

5 “(2) The term ‘sexual assault’ means a Federal,
6 tribal, or State offense, by whatever designation and
7 wherever committed, consisting of assault with in-
8 tent to commit rape; aggravated sexual abuse and
9 sexual abuse (as described in sections 2241 and
10 2242); or abusive sexual contact (as described in
11 section 2242).

12 “(d) Nothing in this section requires a law enforce-
13 ment officer to whom a report is made of a sexual assault
14 described in subsection (a)(1)(A) to investigate or charge
15 an individual with an offense without the consent of the
16 alleged victim of such offense.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 at the beginning of chapter 73 of title 18, United States
19 Code, is amended by adding at the end the following new
20 item:

“1522. Failure of a massage establishment owner or employee to report sexual
assault.”.

21 (c) EFFECTIVE DATE.—This Act shall take effect
22 120 days after the date of enactment.

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