

115TH CONGRESS
2D SESSION

H. R. 6847

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2018

Received; read twice and referred to the Committee on the Judiciary

AN ACT

To amend title 18, United States Code, to expand and strengthen Federal sex offenses, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Preventing Child Exploitation Act of 2018”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING FEDERAL SEX OFFENSE LAWS

Sec. 101. Expanding the definition of illicit sexual conduct.

Sec. 102. Expanding the definition of Federal sex offense.

Sec. 103. Failure of sex offenders to register.

Sec. 104. Prior military offenses included for purposes of recidivist sentencing provisions.

Sec. 105. Sexual exploitation of children.

Sec. 106. Limited liability for certain persons when responding to search warrants or other legal process.

TITLE II—ADAM WALSH REAUTHORIZATION ACT

Sec. 201. Short title.

Sec. 202. Sex offender management assistance (SOMA) program reauthorization.

Sec. 203. Reauthorization of Federal assistance with respect to violations of registration requirements.

Sec. 204. Duration of sex offender registration requirements for certain juveniles.

Sec. 205. Public access to juvenile sex offender information.

Sec. 206. Protection of local governments from State noncompliance penalty under SORNA.

Sec. 207. Additional information to be included in annual report on enforcement of registration requirements.

Sec. 208. Ensuring supervision of released sexually dangerous persons.

Sec. 209. Tribal Access Program.

Sec. 210. Alternative mechanisms for in-person verification.

Sec. 211. Clarification of aggravated sexual abuse.

Sec. 212. Comprehensive examination of sex offender issues.

Sec. 213. Assisting States with juvenile registration.

1 **TITLE I—STRENGTHENING**
2 **FEDERAL SEX OFFENSE LAWS**

3 **SEC. 101. EXPANDING THE DEFINITION OF ILLICIT SEXUAL**
4 **CONDUCT.**

5 Section 2423(f)(1) of title 18, United States Code,
6 is amended—

7 (1) by striking “a sexual act (as defined in sec-
8 tion 2246) with” and inserting “any conduct involv-
9 ing”; and

10 (2) by striking “if the sexual act” and inserting
11 “if the conduct”.

12 **SEC. 102. EXPANDING THE DEFINITION OF FEDERAL SEX**
13 **OFFENSE.**

14 Section 3559 of title 18, United States Code, is
15 amended—

16 (1) in subsection (e)(2)(A)—

17 (A) by inserting after “2244(a)(1)” the
18 following “or 2244(a)(5)”;

19 (B) by striking the “or” before “2423(a)”;

20 (C) by striking “into prostitution”; and

21 (D) by inserting “or 2423(c) (relating to
22 illicit sexual conduct)” before the semicolon at
23 the end; and

24 (2) in subsection (e)(3), by striking “or
25 2423(a)” and inserting “, 2423(a), or 2423(c)”.

1 **SEC. 103. FAILURE OF SEX OFFENDERS TO REGISTER.**

2 Section 2250(d) of title 18, United State Code, is
3 amended—

4 (1) by inserting after “Federal law (including
5 the Uniform Code of Military Justice),” the fol-
6 lowing: “State law,”; and

7 (2) by adding at the end the following:

8 “(3) DEFINITION.—In this section, the term
9 ‘crime of violence’ has the meaning given such term
10 in section 16.”.

11 **SEC. 104. PRIOR MILITARY OFFENSES INCLUDED FOR PUR-**
12 **POSES OF RECIDIVIST SENTENCING PROVI-**
13 **SIONS.**

14 (a) AGGRAVATED SEXUAL ABUSE.—Section 2241(c)
15 of title 18, United States Code, is amended by inserting
16 after “State offense” the following: “or an offense under
17 the Uniform Code of Military Justice”.

18 (b) SEXUAL EXPLOITATION OF CHILDREN.—Section
19 2251(e) of title 18, United States Code, is amended by
20 striking “section 920 of title 10 (article 120 of the Uni-
21 form Code of Military Justice), or under” each place it
22 appears and inserting “the Uniform Code of Military Jus-
23 tice or”.

24 (c) CERTAIN ACTIVITIES RELATING TO MATERIAL
25 INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—

1 Section 2252 of title 18, United States Code, is amend-
2 ed—

3 (1) in subsection (b)(1), by striking “section
4 920 of title 10 (article 120 of the Uniform Code of
5 Military Justice), or under” and inserting “the Uni-
6 form Code of Military Justice or”; and

7 (2) in subsection (b)(2), by striking “section
8 920 of title 10 (article 120 of the Uniform Code of
9 Military Justice), or under” and inserting “the Uni-
10 form Code of Military Justice or”.

11 (d) CERTAIN ACTIVITIES RELATING TO MATERIAL
12 CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—
13 Section 2252A of title 18, United States Code, is amend-
14 ed—

15 (1) in subsection (b)(1), by striking “section
16 920 of title 10 (article 120 of the Uniform Code of
17 Military Justice), or under” and inserting “the Uni-
18 form Code of Military Justice or”; and

19 (2) in subsection (b)(2), by striking “section
20 920 of title 10 (article 120 of the Uniform Code of
21 Military Justice), or under” and inserting “the Uni-
22 form Code of Military Justice or”.

23 (e) REPEAT OFFENDERS.—Section 2426(b)(1)(B) of
24 title 18, United States Code, is amended by inserting after

1 “State law” the following: “or the Uniform Code of Mili-
2 tary Justice”.

3 (f) SENTENCING CLASSIFICATION.—Section 3559 of
4 title 18, United States Code, is amended—

5 (1) in subsection (e)(2)(B)—

6 (A) by striking “State sex offense” and in-
7 serting “State or Military sex offense”; and

8 (B) by inserting after “under State law”
9 the following: “or the Uniform Code of Military
10 Justice”; and

11 (2) in subsection (e)(2)(C), by inserting after
12 “State” the following: “or Military”.

13 **SEC. 105. SEXUAL EXPLOITATION OF CHILDREN.**

14 Section 2251 of title 18, United States Code, is
15 amended—

16 (1) by amending subsections (a) and (b) to read
17 as follows:

18 “(a) Any person who, in a circumstance described in
19 subsection (f), knowingly—

20 “(1) employs, uses, persuades, induces, entices,
21 or coerces a minor to engage in any sexually explicit
22 conduct for the purpose of producing any visual de-
23 piction of such conduct, or transmitting a live visual
24 depiction of such conduct;

1 “(2) produces or causes to be produced a visual
2 depiction of a minor engaged in any sexually explicit
3 conduct where the production of such visual depic-
4 tion involves the use of a minor engaging in sexually
5 explicit conduct and such visual depiction is of such
6 conduct;

7 “(3) transmits or causes to be transmitted a
8 live visual depiction of a minor engaged in any sexu-
9 ally explicit conduct;

10 “(4) has a minor assist any other person to en-
11 gage in any sexually explicit conduct during the
12 commission of an offense set forth in paragraphs (1)
13 through (3) of this subsection; or

14 “(5) transports any minor in or affecting inter-
15 state or foreign commerce with the intent that such
16 minor be used in the production or live transmission
17 of a visual depiction of a minor engaged in any sexu-
18 ally explicit conduct,

19 shall be punished as provided under subsection (e).

20 “(b) Any parent, legal guardian, or person having
21 custody or control of a minor who, in a circumstance de-
22 scribed in subsection (f), knowingly permits such minor
23 to engage in, or to assist any other person to engage in,
24 sexually explicit conduct knowing that a visual depiction

1 of such conduct will be produced or transmitted shall be
2 punished as provided under subsection (e).”;

3 (2) in subsection (c)—

4 (A) in paragraph (1)—

5 (i) by striking “employs, uses, per-
6 suades, induces, entices, or coerces any
7 minor to engage in, or who has a minor as-
8 sist any other person to engage in, any
9 sexually explicit conduct” and inserting
10 “engages in any conduct described in para-
11 graphs (1) through (5) of subsection (a)”;
12 and

13 (ii) by striking “, for the purpose of
14 producing any visual depiction of such con-
15 duct,”;

16 (B) in paragraph (2)(A), by inserting after
17 “transported” the following: “or transmitted”;
18 and

19 (C) in paragraph (2)(B), by inserting after
20 “transports” the following; “or transmits”;

21 (3) by adding at the end the following:

22 “(f) The circumstances referred to in subsections (a)
23 and (b) are—

24 “(1) that the person knows or has reason to
25 know that such visual depiction will be—

1 “(A) transported or transmitted using any
2 means or facility of interstate or foreign com-
3 merce;

4 “(B) transported or transmitted in or af-
5 fecting interstate or foreign commerce; or

6 “(C) mailed;

7 “(2) the visual depiction was produced or trans-
8 mitted using materials that have been mailed, or
9 shipped or transported in or affecting interstate or
10 foreign commerce by any means, including by com-
11 puter;

12 “(3) such visual depiction has actually been—

13 “(A) transported or transmitted using any
14 means or facility of interstate or foreign com-
15 merce;

16 “(B) transported or transmitted in or af-
17 fecting interstate or foreign commerce; or

18 “(C) mailed; or

19 “(4) any part of the offense occurred in a terri-
20 tory or possession of the United States or within the
21 special maritime and territorial jurisdiction of the
22 United States.

23 “(g) Notwithstanding any other provision of this sec-
24 tion, no criminal charge under subsection (a)(3) may be
25 brought against an electronic communication service pro-

1 vider or remote computing service provider unless such
2 provider has intentionally transmitted or caused to be
3 transmitted a visual depiction with actual knowledge that
4 such depiction is of a minor engaged in sexually explicit
5 conduct, nor may any such criminal charge be brought if
6 barred by the provisions of section 2258B.”.

7 **SEC. 106. LIMITED LIABILITY FOR CERTAIN PERSONS**
8 **WHEN RESPONDING TO SEARCH WARRANTS**
9 **OR OTHER LEGAL PROCESS.**

10 Section 2258B of title 18, United States Code, is
11 amended—

12 (1) in subsection (a), by inserting “from the re-
13 sponse to a search warrant or other legal process
14 or” before “from the performance”; and

15 (2) in subsection (b)(2)(C), by inserting “the
16 response to a search warrant or other legal process
17 or to” before “the performance of any responsi-
18 bility”.

19 **TITLE II—ADAM WALSH**
20 **REAUTHORIZATION ACT**

21 **SEC. 201. SHORT TITLE.**

22 This title may be cited as the “Adam Walsh Reau-
23 thorization Act of 2018”.

1 **SEC. 202. SEX OFFENDER MANAGEMENT ASSISTANCE**
2 **(SOMA) PROGRAM REAUTHORIZATION.**

3 Section 126(d) of the Adam Walsh Child Protection
4 and Safety Act of 2006 (34 U.S.C. 20928(d)) is amended
5 to read as follows:

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to the Attorney General
8 \$20,000,000 for each of the fiscal years 2018 through
9 2022, to be available only for the SOMA program.”.

10 **SEC. 203. REAUTHORIZATION OF FEDERAL ASSISTANCE**
11 **WITH RESPECT TO VIOLATIONS OF REG-**
12 **ISTRATION REQUIREMENTS.**

13 Section 142(b) of the Adam Walsh Child Protection
14 and Safety Act of 2006 (34 U.S.C. 20941(b)) is amended
15 to read as follows:

16 “(b) For each of fiscal years 2018 through 2022, of
17 amounts made available to the United States Marshals
18 Service, not less than \$60,000,000 shall be available to
19 carry out this section.”.

20 **SEC. 204. DURATION OF SEX OFFENDER REGISTRATION RE-**
21 **QUIREMENTS FOR CERTAIN JUVENILES.**

22 Subparagraph (B) of section 115(b)(2) of the Adam
23 Walsh Child Protection and Safety Act of 2006 (34 U.S.C.
24 20915(b)(2)) is amended by striking “25 years” and in-
25 serting “15 years”.

1 **SEC. 205. PUBLIC ACCESS TO JUVENILE SEX OFFENDER IN-**
2 **FORMATION.**

3 Section 118(c) of the Adam Walsh Child Protection
4 and Safety Act of 2006 (34 U.S.C. 20920(c)) is amend-
5 ed—

6 (1) by striking “and” after the semicolon in
7 paragraph (3);

8 (2) by redesignating paragraph (4) as para-
9 graph (5); and

10 (3) by inserting after paragraph (3) the fol-
11 lowing:

12 “(4) any information about a sex offender for
13 whom the offense giving rise to the duty to register
14 was an offense for which the offender was adju-
15 dicated delinquent; and”.

16 **SEC. 206. PROTECTION OF LOCAL GOVERNMENTS FROM**
17 **STATE NONCOMPLIANCE PENALTY UNDER**
18 **SORNA.**

19 Section 125 of the Adam Walsh Child Protection and
20 Safety Act of 2006 (34 U.S.C. 20927(a)) is amended—

21 (1) by striking “jurisdiction” each place it ap-
22 pears and inserting “State”;

23 (2) in subsection (a)—

24 (A) by striking “subpart 1 of part E” and
25 inserting “section 505(c)”; and

1 (B) by striking “(42 U.S.C. 3750 et seq.)”
2 and inserting “(34 U.S.C. 10156(c))”; and
3 (3) by adding at the end the following:

4 “(e) CALCULATION OF ALLOCATION TO UNITS OF
5 LOCAL GOVERNMENT.—Notwithstanding the formula
6 under section 505(c) of the Omnibus Crime Control and
7 Safe Streets Act 1968 (34 U.S.C. 10156(c)), a State
8 which is subject to a reduction in funding under sub-
9 section (a) shall—

10 “(1) calculate the amount to be made available
11 to units of local government by the State pursuant
12 to the formula under section 505(c) using the
13 amount that would otherwise be allocated to that
14 State for that fiscal year under section 505(c) of
15 that Act, and make such amount available to such
16 units of local government; and

17 “(2) retain for the purposes described in section
18 501 any amount remaining after the allocation re-
19 quired by paragraph (1).”.

20 **SEC. 207. ADDITIONAL INFORMATION TO BE INCLUDED IN**
21 **ANNUAL REPORT ON ENFORCEMENT OF REG-**
22 **ISTRATION REQUIREMENTS.**

23 Section 635 of the Adam Walsh Child Protection and
24 Safety Act of 2006 (34 U.S.C. 20991) is amended—

1 (1) by striking “Not later than July 1 of each
2 year” and inserting “On January 1 of each year,”;

3 (2) in paragraph (3), by inserting before the
4 semicolon at the end the following: “, and an anal-
5 ysis of any common reasons for noncompliance with
6 such Act”;

7 (3) in paragraph (4), by striking “and” at the
8 end;

9 (4) in paragraph (5), by striking the period at
10 the end and inserting a semicolon; and

11 (5) by adding after paragraph (5) the following:

12 “(6) the number of sex offenders registered in
13 the National Sex Offender Registry;

14 “(7) the number of sex offenders registered in
15 the National Sex Offender Registry who—

16 “(A) are adults;

17 “(B) are juveniles; and

18 “(C) are adults, but who are required to
19 register as a result of conduct committed as a
20 juvenile; and

21 “(8) to the extent such information is obtain-
22 able, of the number of sex offenders registered in the
23 National Sex Offender Registry who are juveniles—

24 “(A) the percentage of such offenders who
25 were adjudicated delinquent; and

1 “(B) the percentage of such offenders who
2 were prosecuted as adults.”.

3 **SEC. 208. ENSURING SUPERVISION OF RELEASED SEXU-**
4 **ALLY DANGEROUS PERSONS.**

5 (a) PROBATION OFFICERS.—Section 3603 of title 18,
6 United States Code, is amended in paragraph (8)(A) by
7 striking “or 4246” and inserting “, 4246, or 4248”.

8 (b) PRETRIAL SERVICES OFFICERS.—Section 3154
9 of title 18, United States Code, is amended in paragraph
10 (12)(A) by striking “or 4246” and inserting “, 4246, or
11 4248”.

12 **SEC. 209. TRIBAL ACCESS PROGRAM.**

13 The Attorney General is authorized to provide tech-
14 nical assistance, including equipment, to tribal govern-
15 ments for the purpose of enabling such governments to
16 access, enter information into, and obtain information
17 from, Federal criminal information databases, as author-
18 ized under section 534(d) of title 28, United States Code.
19 The Department of Justice Working Capital Fund (estab-
20 lished under section 527 of title 28, United States Code)
21 may be reimbursed by federally recognized tribes for tech-
22 nical assistance provided pursuant to this section.

1 **SEC. 210. ALTERNATIVE MECHANISMS FOR IN-PERSON**
2 **VERIFICATION.**

3 Section 116 of the Adam Walsh Child Protection and
4 Safety Act of 2006 (34 U.S.C. 20918) is amended—

5 (1) by striking “A sex offender shall” and in-
6 serting the following:

7 “(a) IN GENERAL.—Except as provided in subsection
8 (b), a sex offender shall”; and

9 (2) by adding at the end the following:

10 “(b) ALTERNATIVE VERIFICATION METHOD.—A ju-
11 risdiction may allow a sex offender to comply with the re-
12 quirements under subsection (a) by an alternative
13 verification method approved by the Attorney General, ex-
14 cept that each offender shall appear in person not less
15 than one time per year. The Attorney General shall ap-
16 prove an alternative verification method described in this
17 subsection prior to its implementation by a jurisdiction in
18 order to ensure that such method provides for verification
19 that is sufficient to ensure the public safety.”.

20 **SEC. 211. CLARIFICATION OF AGGRAVATED SEXUAL ABUSE.**

21 Section 111(8) of the Adam Walsh Child Protection
22 and Safety Act of 2006 (34 U.S.C. 20911(8)) is amended
23 by inserting “subsection (a) or (b) of” before “section
24 2241 of title 18, United States Code”.

1 **SEC. 212. COMPREHENSIVE EXAMINATION OF SEX OF-**
2 **FENDER ISSUES.**

3 Section 634(c) of the Adam Walsh Child Protection
4 and Safety Act of 2006 is amended by adding at the end
5 the following:

6 “(3) **ADDITIONAL REPORT.**—Not later than 1
7 year after the date of enactment of the Adam Walsh
8 Reauthorization Act of 2018, the National Institute
9 of Justice shall submit to Congress a report on the
10 public safety impact, recidivism, and collateral con-
11 sequences of long-term registration of juvenile sex
12 offenders, based on the information collected for the
13 study under subsection (a) and any other informa-
14 tion the National Institute of Justice determines
15 necessary for such report.”.

16 **SEC. 213. ASSISTING STATES WITH JUVENILE REGISTRA-**
17 **TION.**

18 Section 125 of the Adam Walsh Child Protection and
19 Safety Act of 2006 (34 U.S.C. 20927) is amended by add-
20 ing at the end the following:

21 “(e) **SUBSTANTIAL IMPLEMENTATION FOR JUVENILE**
22 **REGISTRATION REQUIREMENTS.**—

23 “(1) **IN GENERAL.**—In the case of a jurisdiction
24 that uses a discretionary process for determining
25 whether registration under this Act is required for
26 juveniles 14 years of age or older who are adju-

1 dicated delinquent for sex offenses described in sec-
2 tion 111(8), the Attorney General, in assessing
3 whether the jurisdiction has substantially imple-
4 mented this title with respect to the registration of
5 such juveniles, may examine the policies and prac-
6 tices that the jurisdiction has in place—

7 “(A) related to the prosecution as adults,
8 of juveniles who commit sex offenses described
9 in section 111(8);

10 “(B) related to the registration under this
11 Act of juveniles adjudicated delinquent for such
12 an offense; and

13 “(C) related to the identification, tracking,
14 monitoring, or managing of juveniles adju-
15 dicated delinquent for such offenses who reside
16 in the jurisdiction, including policies and prac-
17 tices to ensure that the records of their identi-
18 ties and sex offenses are available as needed for
19 public safety purposes.

20 “(2) SUBMISSION BY JURISDICTION.—A juris-
21 diction described in paragraph (1) shall submit to
22 the Attorney General an explanation for how the dis-
23 cretionary process used by the jurisdiction with re-
24 spect to the registration of juveniles under this Act

1 should be considered substantial implementation of
2 this title.

3 “(3) DETERMINATION.—The Attorney General
4 may determine that a jurisdiction has substantially
5 implemented this title if the Attorney General deter-
6 mines that the policies and practices described in
7 paragraph (1) have resulted or will result in the reg-
8 istration, identification, tracking, monitoring, or
9 management of juveniles who commit sex offenses
10 described in section 111(8), and in the availability of
11 the identities and sex offenses of such juveniles as
12 needed for public safety purposes, in a manner that
13 does not substantially disserve the purposes of this
14 title.”.

Passed the House of Representatives September 25,
2018.

Attest:

KAREN L. HAAS,

Clerk.