

HR 4472 IH

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H. R. 4472

To protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

December 8, 2005

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, 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 protect children, to secure the safety of judges, prosecutors, law enforcement officers, and their family members, to reduce and prevent gang violence, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title- This Act may be cited as the 'Children's Safety and Violent Crime Reduction Act of 2005'.

(b) Table of Contents- The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I--SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

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- Sec. 119. National Sex Offender Registry.
- Sec. 120. Dru Sjodin National Sex Offender Public Website.
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- Sec. 122. Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program.
- Sec. 123. Actions to be taken when sex offender fails to comply.
- Sec. 124. Immunity for good faith conduct.
- Sec. 125. Development and availability of registry management software.
- Sec. 126. Federal duty when State programs not minimally sufficient.
- Sec. 127. Period for implementation by jurisdictions.
- Sec. 128. Failure to comply.
- Sec. 129. Sex Offender Management Assistance (soma) Program.
- Sec. 130. Demonstration project for use of electronic monitoring devices.
- Sec. 131. Bonus payments to States that implement electronic monitoring.
- Sec. 132. Access to Interstate Identification Index.
- Sec. 133. Limited immunity for National Center for Missing and Exploited Children with respect to CyberTipline.
- Sec. 134. Treatment and management of sex offenders in the Bureau of Prisons.
- Sec. 135. Authorization of the National Center for Missing and Exploited Children to locate and reunify children displaced as a result of a disaster.
- Sec. 136. GAO studies on feasibility of using driver's license registration processes as additional registration requirements for sex offenders.
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Sec. 302. Officer Kenneth Wrede fair and expeditious habeas review of State criminal convictions.

Sec. 303. Rights associated with habeas corpus proceedings.

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Sec. 807. Multiple interstate murder.

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TITLE I--SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the `Sex Offender Registration and Notification Act'.

SEC. 102. DECLARATION OF PURPOSE.

In order to protect the public from sex offenders and offenders against children, and in response to the vicious attacks by violent sexual predators against the victims listed below, Congress in this Act establishes a comprehensive national system for the registration of those offenders:

- (1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.
- (2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted and murdered in 1994, in New Jersey.
- (3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.
- (4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005 in Cedar Rapids, Iowa.
- (5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.
- (6) Jessica Lunsford, who was 9 years, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.
- (7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.
- (8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.
- (9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted and murdered in 1984, in Tempe, Arizona.
- (10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.
- (11) Polly Klaas, who was 12 years old, was abducted, sexually assaulted and murdered in 1993 by a career offender in California.
- (12) Jimmy Ryce, who was 9 years old, was kidnapped and murdered in Florida on September 11, 1995.
- (13) Carlie Brucia, who was 11 years old, was abducted and murdered in Florida in

February, 2004.

Subtitle A--Jacob Wetterling Sex Offender Registration and Notification Program

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) **SEX OFFENDER REGISTRY-** The term `sex offender registry' means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(2) **JURISDICTION-** The term jurisdiction means any of the following:

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

(D) Guam.

(E) American Samoa.

(F) The Northern Mariana Islands.

(G) The United States Virgin Islands.

(H) To the extent provided and subject to the requirements of section 137, a federally recognized Indian tribe.

(3) **AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION-** The term `sex offender' means an individual who, either before or after the enactment of this Act, was convicted of, or adjudicated a juvenile delinquent for, an offense (other than an offense involving sexual conduct where the victim was at least 13 years old and the offender was not more than 4 years older than the victim and the sexual conduct was consensual, or an offense consisting of consensual sexual conduct with an adult) whether Federal, State, local, tribal, foreign (other than an offense based on conduct that would not be a crime if the conduct took place in the United States), military, juvenile or other, that is a specified offense against a minor or a sex offense.

(4) **EXPANSION OF DEFINITION OF OFFENSE TO INCLUDE ALL CHILD PREDATORS-** The term `specified offense against a minor' means an offense against a minor that involves any of the following:

(A) An offense (unless committed by a parent) involving kidnapping.

(B) An offense (unless committed by a parent) involving false imprisonment, under circumstances in which it is reasonable to infer that the offender intended to engage in a sex offense involving the minor.

(C) Solicitation to engage in sexual conduct.

(D) Use in a sexual performance.

- (E) Solicitation to practice prostitution.
 - (F) Possession, production, or distribution of child pornography.
 - (G) Criminal sexual conduct towards a minor, or the use of the Internet to facilitate or attempt such conduct.
 - (H) Any conduct that by its nature is a sex offense against a minor.
 - (I) Video voyeurism, as described in section 1801 of title 18, United States Code.
 - (J) Any attempt or conspiracy to commit an offense described in this paragraph.
- (5) TIER I SEX OFFENDER- The term `tier I sex offender' means a sex offender whose offense is punishable by imprisonment for one year or less.
- (6) TIER II SEX OFFENDER- The term `tier II sex offender' means a sex offender who is not a Tier III sex offender whose offense--
- (A) is punishable by imprisonment for more than one year; or
 - (B) occurs after the offender becomes a tier I sex offender.
- (7) TIER III SEX OFFENDER- The term `tier III sex offender' means a sex offender whose offense is punishable by imprisonment for more than one year and--
- (A) involves crime of violence as defined in section 16 of title 18, United States Code, against the person of another, except a crime of violence consisting of an abusive sexual contact, as defined in section in section 2246;
 - (B) is an offense where the victim had not attained the age of 13 years; or
 - (C) occurs after the offender becomes a tier II sex offender.
- (8) SEX OFFENSE- The term `sex offense' means a criminal offense that has an element involving a sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.
- (9) STUDENT- The term `student' means an individual who enrolls or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.
- (10) EMPLOYEE- The term `employee' includes an individual who is self-employed or works for any other entity, whether compensated or not.
- (11) RESIDES- The term `resides' means, with respect to an individual, the location of the individual's home or other place where the individual lives.
- (12) MINOR- The term `minor' means an individual who has not attained the age of 18 years.
- (13) CONVICTED- The term `convicted' or a variant thereof, used with respect to a specified offense against a minor or a sex offense, includes adjudicated delinquent as a juvenile for that offense.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title. The Attorney General shall issue guidelines and regulations to interpret and implement this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) In General- A sex offender must register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student.

(b) Initial Registration- The sex offender shall initially register--

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 5 days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) Keeping the Registration Current- A sex offender must inform each jurisdiction involved, not later than 5 days after each change of residence, employment, or student status.

(d) Retroactive Duty to Register- The Attorney General shall prescribe a method for the registration of sex offenders convicted before the enactment of this Act or its effective date in a particular jurisdiction.

(e) State Penalty for Failure to Comply- Each jurisdiction, other than a Federally recognized Indian tribe shall provide a criminal penalty, that includes a maximum term of imprisonment that is greater than one year, and a minimum term of imprisonment that is no less than 90 days, for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) Provided by the Offender- The sex offender must provide the following information to the appropriate official for inclusion in the sex offender registry:

(1) The name and physical description of the sex offender (including any alias used by the individual).

(2) The Social Security number of the sex offender.

(3) The address of the residence at which the sex offender resides or will reside.

(4) The name and address of the place where the sex offender is employed or will be employed.

(5) The name and address of the place where the sex offender is a student or will be a student.

(6) The license plate number and description of any vehicle owned or operated by the sex offender.

(7) A photograph of the sex offender.

(8) A set of fingerprints and palm prints of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an accurate set.

(9) A DNA sample of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an appropriate DNA sample.

(10) A photocopy of a valid driver's license or identification card issued to the sex offender by a jurisdiction.

(11) Any other information required by the Attorney General.

(b) Provided by the Jurisdiction- The jurisdiction in which the sex offender registers shall include the following information in the registry for that sex offender:

(1) A statement of the facts of the offense giving rise to the requirement to register under this title, including the date of the offense, and whether or not the sex offender was prosecuted as a juvenile at the time of the offense.

(2) The criminal history of the sex offender.

(3) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

A sex offender shall keep the registration current for a period (excluding any time the sex offender is in custody or civilly committed) of--

(1) 20 years, if the offender is a tier I sex offender;

(2) 30 years, if the offender is a tier II sex offender; and

(3) the life of the offender, if the offender is a tier III sex offender.

SEC. 116. IN PERSON VERIFICATION.

A sex offender shall appear in person, provide a current photograph, and verify the information in each registry in which that offender is required to be registered not less frequently than--

(1) every 12 months, if the offender is a tier I sex offender;

(2) every six months, if the offender is a tier II sex offender; and

(3) every three months, if the offender is a tier III sex offender.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

An appropriate official shall, shortly before release from custody of the sex offender, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register--

(1) inform the sex offender of the duty to register and explain that duty;

(2) require the sex offender to read and sign a form stating that the duty to register

has been explained and that the sex offender understands the registration requirement; and

(3) ensure that the sex offender is registered.

SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION PROGRAM.

(a) Establishment- There is established the Jessica Lunsford Address Verification Program (hereinafter in this section referred to as the `Program').

(b) Verification- In the Program, an appropriate official shall verify the residence of each registered sex offender not less than--

(1) annually, if the offender is a tier I sex offender;

(2) semi-annually, if the offender is a tier II sex offender; and

(3) quarterly, if the offender is a tier III sex offender.

(c) Use of Mailed Form Authorized- Such verification may be achieved by mailing a nonforwardable verification form to the last known address of the sex offender. The sex offender must return the form, including a notarized signature or a fingerprint verification, within a set period of time. A failure to return the form as required may be a failure to register for the purposes of this title.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

(a) Internet- The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

(b) Electronic Forwarding- The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions, unless the Attorney General determines that each jurisdiction has so modified its sex offender registry and notification program that there is no longer a need for the Attorney General to do.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) Establishment- There is established the Dru Sjodin National Sex Offender Public Website (hereinafter referred to as the `Website').

(b) Information to Be Provided- The Attorney General shall maintain the Website as a site on the Internet which allows the public to obtain relevant information for each sex offender by a single query in a form established by the Attorney General.

SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

(a) In General- Except as provided in subsection (b), each jurisdiction shall make available on the Internet all information about each sex offender in the registry, except for the offender's Social Security number, the identity of any victim, and any other information exempted from disclosure by the Attorney General. The jurisdiction shall provide this

information in a manner that is readily accessible to the public.

(b) Exception- To the extent authorized by the Attorney General, a jurisdiction need not make available on the Internet information about a tier I sex offender whose offense is a juvenile adjudication.

SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) Establishment of Program- There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Program (hereinafter in this section referred to as the `Program').

(b) Program Notification- Except as provided in subsection (c), not later than 5 days after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the Attorney General) about that offender to the following:

(1) The Attorney General, who shall include that information in the National Sex Offender Registry and other appropriate data bases.

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate), and each school and public housing agency, in each area in which the individual resides, is employed, or is a student.

(3) Each jurisdiction where the sex offender resides, works, or attends school, and each jurisdiction from or to which a change of residence, work, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (42 U.S.C. 5119a).

(5) Social service entities responsible for protecting minors in the child welfare system.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(7) The community at large.

(c) Exception- In the case of a tier I sex offender whose offense is a juvenile adjudication, the Attorney General may limit the entities to which the Program notification is given when the Attorney General determines it is consistent with public safety to do so.

SEC. 123. ACTIONS TO BE TAKEN WHEN SEX OFFENDER FAILS TO COMPLY.

An appropriate official shall notify the Attorney General and appropriate State and local law enforcement agencies of any failure by a sex offender to comply with the requirements of a registry. The appropriate official, the Attorney General, and each such State and local law enforcement agency shall take any appropriate action to ensure compliance.

SEC. 124. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their

agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this title.

SEC. 125. DEVELOPMENT AND AVAILABILITY OF REGISTRY MANAGEMENT SOFTWARE.

The Attorney General shall develop and support software for use to establish, maintain, publish, and share sex offender registries.

SEC. 126. FEDERAL DUTY WHEN STATE PROGRAMS NOT MINIMALLY SUFFICIENT.

If the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registration program, the Department of Justice shall, to the extent practicable, carry out the duties imposed on that jurisdiction by this title.

SEC. 127. PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.

Each jurisdiction shall implement this title not later than 2 years after the date of the enactment of this Act. However, the Attorney General may authorize up to two one-year extensions of the deadline.

SEC. 128. FAILURE TO COMPLY.

(a) In General- For any fiscal year after the end of the period for implementation, a jurisdiction that fails, as determined by the Attorney General, substantially to implement this title shall not receive 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

(1) BYRNE- Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.

(2) LLEBG- The Local Government Law Enforcement Block Grants program.

(b) Reallocation- Amounts not allocated under a program referred to in paragraph (1) to a jurisdiction for failure to fully implement this title shall be reallocated under that program to jurisdictions that have not failed to implement this title or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this title.

(c) Rule of Construction- The provisions of this title that are cast as directions to jurisdictions or their officials constitute only conditions required to avoid the reduction of Federal funding under this section.

SEC. 129. SEX OFFENDER MANAGEMENT ASSISTANCE (SOMA) PROGRAM.

(a) In General- The Attorney General shall establish and implement a Sex Offender Management Assistance program (in this title referred to as the `SOMA program') under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title.

(b) Application- The chief executive of a jurisdiction shall, on an annual basis, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) Bonus Payments for Prompt Compliance- A jurisdiction that, as determined by the Attorney General, has substantially implemented this title not later than two years after the date of the enactment of this Act is eligible for a bonus payment. The Attorney General may make such a payment under the SOMA program for the first fiscal year beginning after that determination. The amount of the payment shall be--

(1) 10 percent of the total received by the jurisdiction under the SOMA program for the preceding fiscal year, if that implementation is not later than one year after the date of enactment of this Act; and

(2) 5 percent of such total, if not later than two years after that date.

(d) Authorization of Appropriations- In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated such sums as may be necessary to the Attorney General, to be available only for the SOMA program, for fiscal years 2006 through 2008.

SEC. 130. DEMONSTRATION PROJECT FOR USE OF ELECTRONIC MONITORING DEVICES.

(a) Project Required- The Attorney General shall carry out a demonstration project under which the Attorney General makes grants to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program.

(b) Use of Funds- The jurisdiction may use grant amounts under this section directly, or through arrangements with public or private entities, to carry out programs under which the whereabouts of sex offenders are monitored by electronic monitoring devices.

(c) Participants- Not more than 10 jurisdictions may participate in the demonstration project at any one time.

(d) Factors- In selecting jurisdictions to participate in the demonstration project, the Attorney General shall consider the following factors:

(1) The total number of sex offenders in the jurisdiction.

(2) The percentage of those sex offenders who fail to comply with registration requirements.

(3) The threat to public safety posed by those sex offenders who fail to comply with registration requirements.

(4) Any other factor the Attorney General considers appropriate.

(e) Duration- The Attorney General shall carry out the demonstration project for fiscal years 2007, 2008, and 2009.

(f) Innovation- In making grants under this section, the Attorney General shall ensure that different approaches to monitoring are funded to allow an assessment of effectiveness.

(g) One-Time Report and Recommendations- Not later than April 1, 2008, the Attorney General shall submit to Congress a report--

- (1) assessing the effectiveness and value of programs funded by this section;
- (2) comparing the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives; and
- (3) making recommendations for continuing funding and the appropriate levels for such funding.

(h) Authorization of Appropriations- There are authorized to be appropriated to carry out this section such sums as may be necessary.

SEC. 131. BONUS PAYMENTS TO STATES THAT IMPLEMENT ELECTRONIC MONITORING.

(a) In General- A jurisdiction that, within 3 years after the date of the enactment of this Act, has in effect laws and policies described in subsection (b) shall be eligible for a bonus payment described in subsection (c), to be paid by the Attorney General from any amounts available to the Attorney General for such purpose.

(b) Electronic Monitoring Laws and Policies-

(1) IN GENERAL- Laws and policies referred to in subsection (a) are laws and policies that ensure that electronic monitoring is required of a person if that person is released after being convicted of a sex offense in which an individual who has not attained the age of 18 years is the victim.

(2) MONITORING REQUIRED- The monitoring required under paragraph (1) is a system that actively monitors and identifies the person's location and timely reports or records the person's presence near or within a crime scene or in a prohibited area or the person's departure from specified geographic limitations.

(3) DURATION- The electronic monitoring required by paragraph (1) shall be required of the person--

(A) for the life of the person, if--

- (i) an individual who has not attained the age of 12 years is the victim; or
- (ii) the person has a prior sex conviction (as defined in section 3559(e) of title 18, United States Code); and

(B) for the period during which the person is on probation, parole, or supervised release for the offense, in any other case.

(4) JURISDICTION REQUIRED TO MONITOR ALL SEX OFFENDERS RESIDING IN JURISDICTION- In addition, laws and policies referred to in subsection (a) also include laws and policies that ensure that the jurisdiction frequently monitors each person residing in the jurisdiction for whom electronic monitoring is required, whether such monitoring is required under this section or under section 3563(a)(9) of title 18, United States Code.

(c) Bonus Payments- The bonus payment referred to in subsection (a) is a payment equal

to 10 percent of the funds that would otherwise be allocated for that fiscal year to the jurisdiction under each of the following programs:

- (1) BYRNE- Subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.), whether characterized as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, the Edward Byrne Memorial Justice Assistance Grant Program, or otherwise.
- (2) LLEBG- The Local Government Law Enforcement Block Grants program.

SEC. 132. ACCESS TO INTERSTATE IDENTIFICATION INDEX.

(a) In General- Notwithstanding any other provision of law, the Attorney General shall ensure access to the Interstate Identification Index by--

- (1) the National Center for Missing and Exploited Children, to be used only within the scope of the Center's duties and responsibilities under Federal law to assist or support law enforcement agencies in administration of criminal justice functions; and
- (2) governmental social service agencies with child protection responsibilities, to be used by such agencies only in investigating or responding to reports of child abuse, neglect, or exploitation.

(b) Conditions of Access- The access provided under this section, and associated rules of dissemination, shall be--

- (1) defined by the Attorney General; and
- (2) limited to personnel of the Center or such agencies that have met all requirements set by the Attorney General, including training, certification, and background screening.

SEC. 133. LIMITED IMMUNITY FOR NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN WITH RESPECT TO CYBERTIPLINE.

Section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032) is amended by adding at the end the following new subsection:

^ (g) Limitation on Liability-

^ (1) IN GENERAL- Except as provided in paragraphs (2) and (3), the National Center for Missing and Exploited Children, including any of its directors, officers, employees, or agents, is not liable in any civil or criminal action arising from the performance of its CyberTipline responsibilities and functions as defined by this section.

^ (2) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT- Paragraph (1) does not apply in an action in which a party proves that the National Center for Missing and Exploited Children, or its officer, employee, or agent as the case may be, engaged in intentional misconduct or acted, or failed to act, with actual malice, with reckless disregard to a substantial risk of causing injury without legal justification, or for a purpose unrelated to the performance of responsibilities or functions under this section.

^ (3) ORDINARY BUSINESS ACTIVITIES- Paragraph (1) does not apply to an act or omission related to an ordinary business activity, such as an activity involving general

administration or operations, the use of motor vehicles, or personnel management.'.

SEC. 134. TREATMENT AND MANAGEMENT OF SEX OFFENDERS IN THE BUREAU OF PRISONS.

Section 3621 of title 18, United States Code, is amended by adding at the end the following new subsection:

` (f) Sex Offender Management-

` (1) IN GENERAL- The Bureau of Prisons shall make available appropriate treatment to sex offenders who are in need of and suitable for treatment, as follows:

` (A) SEX OFFENDER MANAGEMENT PROGRAMS- The Bureau of Prisons shall establish non-residential sex offender management programs to provide appropriate treatment, monitoring, and supervision of sex offenders and to provide aftercare during pre-release custody.

` (B) RESIDENTIAL SEX OFFENDER TREATMENT PROGRAMS- The Bureau of Prisons shall establish residential sex offender treatment programs to provide treatment to sex offenders who volunteer for such programs and are deemed by the Bureau of Prisons to be in need of and suitable for residential treatment.

` (2) REGIONS- At least one sex offender management program under paragraph (1)(A), and at least one residential sex offender treatment program under paragraph (1)(B), shall be established in each region within the Bureau of Prisons.

` (3) AUTHORIZATION OF APPROPRIATIONS- There are authorized to be appropriated to the Bureau of Prisons for each fiscal year such sums as may be necessary to carry out this subsection.'.

SEC. 135. AUTHORIZATION OF THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN TO LOCATE AND REUNIFY CHILDREN DISPLACED AS A RESULT OF A DISASTER.

Section 403 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5772), is amended--

(1) by striking `or' after subsection (1)(A);

(2) by inserting `or' after subsection (1)(B); and

(3) by inserting after subsection (1)(B) the following:

` (C) the individual was separated from such individual's legal custodian as a result of a natural or other major disaster determined by the President occurring within the maritime and territorial jurisdiction of the United States.'.

SEC. 136. GAO STUDIES ON FEASIBILITY OF USING DRIVER'S LICENSE REGISTRATION PROCESSES AS ADDITIONAL REGISTRATION REQUIREMENTS FOR SEX OFFENDERS.

For the purposes of determining the feasibility of using driver's license registration processes as additional registration requirements for sex offenders to improve the level of

compliance with sex offender registration requirements for change of address upon relocation and other related updates of personal information, the Congress requires the following studies:

(1) Not later than 180 days after the date of the enactment of this Act, the Government Accountability Office shall complete a study for the Committee on the Judiciary of the House of Representatives to survey a majority of the States to assess the relative systems capabilities to comply with a Federal law that required all State driver's license systems to automatically access State and national databases of registered sex offenders in a form similar to the requirement of the Nevada law described in paragraph (2). The Government Accountability Office shall use the information drawn from this survey, along with other expert sources, to determine what the potential costs to the States would be if such a Federal law came into effect, and what level of Federal grants would be required to prevent an unfunded mandate. In addition, the Government Accountability Office shall seek the views of Federal and State law enforcement agencies, including in particular the Federal Bureau of Investigation, with regard to the anticipated effects of such a national requirement, including potential for undesired side effects in terms of actual compliance with this Act and related laws.

(2) Not later than October 2006, the Government Accountability Office shall complete a study to evaluate the provisions of Chapter 507 of Statutes of Nevada 2005 to determine--

(A) if those provisions are effective in increasing the registration compliance rates of sex offenders;

(B) the aggregate direct and indirect costs for the state of Nevada to bring those provisions into effect; and

(C) whether those provisions should be modified to improve compliance by registered sex offenders.

SEC. 137. ASSISTANCE IN IDENTIFICATION AND LOCATION OF SEX OFFENDERS RELOCATED AS A RESULT OF A MAJOR DISASTER.

The Attorney General shall provide technical assistance to jurisdictions to assist them in the identification and location of a sex offender relocated as a result of a major disaster.

Subtitle B--Criminal Law Enforcement of Registration Requirements

SEC. 151. AMENDMENTS TO TITLE 18, UNITED STATES CODE, RELATING TO SEX OFFENDER REGISTRATION.

(a) Criminal Penalties for Nonregistration- Part I of title 18, United States Code, is amended by inserting after chapter 109A the following:

CHAPTER 109B--SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

Sec.

2250. Failure to register.

Sec. 2250. Failure to register

Whoever is required to register under the Sex Offender Registration and Notification Act and--

(1) is a sex offender as defined for the purposes of that Act by reason of a conviction under Federal law; or

(2) thereafter travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country;

and knowingly fails to register as required shall be fined under this title and imprisoned not more than 20 years.'

(b) Clerical Amendment- The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 109A the following new item:

--2250'

(c) False Statement Offense- Section 1001(a) of title 18, United States Code, is amended by adding at the end the following: ' If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be imprisoned not more than 10 years.'

(d) Probation- Paragraph (8) of section 3563(a) of title 18, United States Code, is amended to read as follows:

(8) for a person required to register under the Sex Offender Registration and Notification Act, that the person comply with the requirements of that Act; and'

(e) Supervised Release- Section 3583 of title 18, United States Code, is amended--

(1) in subsection (d), in the sentence beginning with ' The court shall order, as an explicit condition of supervised release for a person described in section 4042(c)(4)', by striking ' described in section 4042(c)(4)' and all that follows through the end of the sentence and inserting ' required to register under the Sex Offender Registration and Notification Act that the person comply with the requirements of that Act.'

(2) in subsection (k)--

(A) by striking ' 2244(a)(1), 2244(a)(2)' and inserting ' 2243, 2244, 2245, 2250';

(B) by inserting ' not less than 5,' after ' any term of years'; and

(C) by adding at the end the following: ' If a defendant required to register under the Sex Offender Registration and Notification Act violates the requirements of that Act or commits any criminal offense for which imprisonment for a term longer than one year can be imposed, the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment under subsection (e)(3) without regard to the exception contained therein. Such term shall be not less than 5 years, and if the offense was an offense under chapter 109A, 109B, 110, or 117, or section 1591, not less than 10 years.'

(f) Duties of Bureau of Prisons- Paragraph (3) of section 4042(c) of title 18, United States

Code, is amended to read as follows:

` (3) The Director of the Bureau of Prisons shall inform a person who is released from prison and required to register under the Sex Offender Registration and Notification Act of the requirements of that Act as they apply to that person and the same information shall be provided to a person sentenced to probation by the probation officer responsible for supervision of that person.'

(g) Conforming Amendments to Cross References- Paragraphs (1) and (2) of section 4042(c) of title 18, United States Code, are each amended by striking `(4)' and inserting `(3)'.

(h) Conforming Repeal of Deadwood- Paragraph (4) of section 4042(c) of title 18, United States Code, is repealed.

(i) Military Offenses-

(1) Section 115(a)(8)(C)(i) of Public Law 105-119 (111 Stat. 2466) is amended by striking `which encompass' and all that follows through `and (B))' and inserting `which are specified offenses against minors or sex offenses, as those terms are defined in the Sex Offender Registration and Notification Act'.

(2) Section 115(a)(8)(C) of Public Law 105-119 (111 Stat 2466) is amended by striking clauses (ii) through (iv).

SEC. 152. FEDERAL INVESTIGATION OF SEX OFFENDER VIOLATIONS OF REGISTRATION REQUIREMENTS.

(a) In General- The Attorney General shall assist jurisdictions in locating and apprehending sex offenders who violate sex offender registration requirements.

(b) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to implement this section.

SEC. 153. SEX OFFENDER APPREHENSION GRANTS.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following new part:

` PART JJ--SEX OFFENDER APPREHENSION GRANTS

` SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPREHENSION GRANTS.

` (a) In General- From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia thereof for activities specified in subsection (b).

` (b) Covered Activities- An activity referred to in subsection (a) is any program, project, or other activity to assist a State in enforcing sex offender registration requirements.

` SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this part.'

SEC. 154. USE OF ANY CONTROLLED SUBSTANCE TO FACILITATE SEX OFFENSE.

(a) Increased Punishment- Chapter 109A of title 18, United States Code, is amended by adding at the end the following:

Sec. 2249. Use of any controlled substance to facilitate sex offense

(a) Whoever, knowingly uses a controlled substance to substantially impair the ability of a person to appraise or control conduct, in order to commit a sex offense, other than an offense where such use is an element of the offense, shall, in addition to the punishment provided for the sex offense, be imprisoned for any term of years not more than 10 years.

(b) As used in this section, the term 'sex offense' means an offense under this chapter other than an offense under this section.'

(b) Amendment to Table- The table of sections at the beginning of chapter 109A of title 18, United States Code, is amended by adding at the end the following new item:

2249. Use of any controlled substance to facilitate sex offense.'

SEC. 155. REPEAL OF PREDECESSOR SEX OFFENDER PROGRAM.

Sections 170101 (42 U.S.C. 14071) and 170102 (42 U.S.C. 14072) of the Violent Crime Control and Law Enforcement Act of 1994, and section 8 of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 (42 U.S.C. 14073), are repealed.

SEC. 156. ASSISTANCE FOR PROSECUTION OF CASES CLEARED THROUGH USE OF DNA BACKLOG CLEARANCE FUNDS.

(a) In General- The Attorney General may make grants to train and employ personnel to help prosecute cases cleared through use of funds provided for DNA backlog elimination.

(b) Authorization- There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2006 through 2010 to carry out this section.

SEC. 157. AUTHORIZATION OF ADDITIONAL APPROPRIATIONS.

In addition to any other amounts authorized by law, there are authorized to be appropriated for grants to the American Prosecutors Research Institute under section 214A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13003) \$7,500,000 for each of fiscal years 2006 through 2010.

SEC. 158. GRANTS TO COMBAT SEXUAL ABUSE OF CHILDREN.

(a) In General- The Bureau of Justice Assistance shall make grants to law enforcement agencies for purposes of this section. The Bureau shall make such a grant--

(1) to each law enforcement agency that serves a jurisdiction with 50,000 or more

residents; and

(2) to each law enforcement agency that serves a jurisdiction with fewer than 50,000 residents, upon a showing of need.

(b) Use of Grant Amounts- Grants under this section may be used by the law enforcement agency to--

(1) hire additional law enforcement personnel, or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released sex offenders;

(2) investigate the use of the Internet to facilitate the sexual abuse of children; and

(3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, State, and Federal databases needed to apprehend sex offenders, and facilitate the creation and enforcement of sex offender registries.

(c) Authorization of Appropriations- There are authorized to be appropriated such sums as may be necessary for fiscal years 2006 through 2008 to carry out this section.

SEC. 159. EXPANSION OF TRAINING AND TECHNOLOGY EFFORTS.

(a) Training- The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall--

(1) expand training efforts with Federal, State, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by sex offenders who use the Internet and technology to solicit or otherwise exploit children;

(2) facilitate meetings, between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet, to identify problems associated with the use of technology for the purpose of exploiting children;

(3) host national conferences to train Federal, State, and local law enforcement officers, probation and parole officers, and prosecutors regarding pro-active approaches to monitoring sex offender activity on the Internet;

(4) develop and distribute, for personnel listed in paragraph (3), information regarding multi-disciplinary approaches to holding offenders accountable to the terms of their probation, parole, and sex offender registration laws; and

(5) partner with other agencies to improve the coordination of joint investigations among agencies to effectively combat on-line solicitation of children by sex offenders.

(b) Technology- The Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall--

(1) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System; and

(2) conduct training in the use of that technology.

(c) Report- Not later than July 1, 2006, the Attorney General, in consultation with the Office of Juvenile Justice and Delinquency Prevention, shall submit to Congress a report on the activities carried out under this section. The report shall include any recommendations that the Attorney General, in consultation with the Office, considers appropriate.

(d) Authorization of Appropriations- There are authorized to be appropriated to the Attorney General, for fiscal year 2006--

(1) \$1,000,000 to carry out subsection (a); and

(2) \$2,000,000 to carry out subsection (b).

Subtitle C--Office on Sexual Violence and Crimes Against Children

SEC. 161. ESTABLISHMENT.

There is established within the Department of Justice, under the general authority of the Attorney General, an Office on Sexual Violence and Crimes against Children (hereinafter in this subtitle referred to as the 'Office' .

SEC. 162. DIRECTOR.

The Attorney General shall appoint a Director. The Director shall be the head of the Office. The Director shall report directly to the Attorney General.

SEC. 163. DUTIES OF OFFICE.

The Office shall--

(1) administer the sex offender registration and notification program under this title.

(2) administer grant programs authorized by this title.

(3) provide technical assistance, coordination, and support to--

(A) other components of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to sexual assaults against children, including the litigation of civil and criminal actions relating to enforcing such laws; and

(B) other public and private entities, in efforts to develop policy, provide technical assistance, and improve coordination among entities seeking to further the purposes of this title.

TITLE II--DNA FINGERPRINTING

SEC. 201. EXPANDING USE OF DNA TO IDENTIFY AND PROSECUTE SEX OFFENDERS.

(a) Expansion of National DNA Index System- Section 210304 of the DNA Identification Act of 1994 (42 U.S.C. 14132) is amended--

(1) in subsection (a)(1)(C), by striking ` , provided' and all that follows through `System'; and

(2) by striking subsections (d) and (e).

(b) DNA Sample Collection From Persons Arrested or Detained Under Federal Authority-

(1) IN GENERAL- Section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a) is amended--

(A) in subsection (a)--

(i) in paragraph (1), by striking `The Director' and inserting the following:

`(A) The Attorney General may, as provided by the Attorney General by regulation, collect DNA samples from individuals who are arrested, detained, or convicted under the authority of the United States. The Attorney General may delegate this function within the Department of Justice as provided in section 510 of title 28, United States Code, and may also authorize and direct any other agency of the United States that arrests or detains individuals or supervises individuals facing charges to carry out any function and exercise any power of the Attorney General under this section.

`(B) The Director'; and

(ii) in paragraphs (3) and (4), by striking `Director of the Bureau of Prisons' each place it appears and inserting `Attorney General, the Director of the Bureau of Prisons,'; and

(B) in subsection (b), by striking `Director of the Bureau of Prisons' and inserting `Attorney General, the Director of the Bureau of Prisons,'.

(2) CONFORMING AMENDMENT- Subsections (b) and (c)(1)(A) of section 3142 of title 18, United States Code, are each amended by inserting `and subject to the condition that the person cooperate in the collection of a DNA sample from the person if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135a)' after `period of release'.

(c) Tolling of Statute of Limitations in Sexual Abuse Cases- Section 3297 of title 18, United States Code, is amended by striking `except for a felony offense under chapter 109A,'.

SEC. 202. STOPPING VIOLENT PREDATORS AGAINST CHILDREN.

In carrying out Acts of Congress relating to DNA databases, the Attorney General shall give appropriate consideration to the need for the collection and testing of DNA to stop violent predators against children.

SEC. 203. MODEL CODE ON INVESTIGATING MISSING PERSONS AND DEATHS.

(a) Sense of Congress- It is the sense of Congress that each State should, not later than 1 year after the date on which the Attorney General publishes the model code, enact laws implementing the model code.

(b) GAO Study- Not later than 2 years after the date on which the Attorney General publishes the model code, the Comptroller General shall submit to Congress a report on the extent to which States have implemented the model code. The report shall, for each State--

- (1) describe the extent to which the State has implemented the model code; and
- (2) to the extent the State has not implemented the model code, describe the reasons why the State has not done so.

SEC. 204. EXPANDED USE OF CODIS GRANTS.

Section 2(a)(1) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)(1)) is amended by striking `taken from individuals convicted of a qualifying State offense (as determined under subsection (b)(3))' and inserting `collected under applicable legal authority'.

TITLE III--PREVENTION AND DETERRENCE OF CRIMES AGAINST CHILDREN

SEC. 301. ASSURED PUNISHMENT FOR VIOLENT CRIMES AGAINST CHILDREN.

(a) Special Sentencing Rule- Subsection (d) of section 3559 of title 18, United States Code, is amended to read as follows:

`(d) Mandatory Minimum Terms of Imprisonment for Violent Crimes Against Children- A person who is convicted of a felony crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense--

- `(1) if the crime of violence results in the death of a person who has not attained the age of 18 years, be sentenced to death or life in prison;
- `(2) if the crime of violence is kidnapping, aggravated sexual abuse, sexual abuse, or maiming, be imprisoned for life or any term of years not less than 30; and
- `(3) if the crime of violence results in serious bodily injury (as defined in section 2119), be imprisoned for life or for any term of years not less than 20.'

SEC. 302. OFFICER KENNETH WREDE FAIR AND EXPEDITIOUS HABEUS REVIEW OF STATE CRIMINAL CONVICTIONS.

(a) Section 2264- Section 2264 of title 28, United States Code, is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

`(b) The court shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, that was not presented in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.'

(b) Section 2254- Section 2254 of title 28, United States Code, is amended by adding at the end the following:

` (j) The court, Justice, or judge entertaining the application shall not have jurisdiction to consider an application with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in State court proceedings, that was not presented in State court proceedings, or that was found by a State court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established Federal law, as determined by the Supreme Court of the United States.'

(c) Application- The amendments made by this section apply to cases pending on or after the date of the enactment of this Act.

SEC. 303. RIGHTS ASSOCIATED WITH HABEAS CORPUS PROCEEDINGS.

Section 3771(b) of title 18, United States Code, is amended--

(1) by striking ` In any court proceeding' and inserting the following:

` (1) IN GENERAL- In any court proceeding'; and

(2) by adding at the end the following:

` (2) HABEAS CORPUS PROCEEDINGS-

` (A) IN GENERAL- In a Federal habeas corpus proceeding arising out of a State conviction, the court shall ensure that a crime victim is afforded the rights described in paragraphs (3), (4), (7), and (8) of subsection (a).

` (B) ENFORCEMENT-

` (i) IN GENERAL- These rights may be enforced by the crime victim or the crime victim's lawful representative in the manner described in paragraphs (1) and (3) of subsection (d).

` (ii) MULTIPLE VICTIMS- In a case involving multiple victims, subsection (d)(2) shall also apply.

` (C) LIMITATION- This paragraph relates to the duties of a court in relation to the rights of a crime victim in Federal habeas corpus proceedings arising out of a State conviction, and does not give rise to any obligation or requirement applicable to personnel of any agency of the Executive Branch of the Federal Government.

` (D) DEFINITION- For purposes of this paragraph, the term `crime victim' means the person against whom the State offense is committed or, if that person is killed or incapacitated, that person's family member or other lawful representative.'

SEC. 304. STUDY OF INTERSTATE TRACKING OF PERSONS CONVICTED OF OR UNDER INVESTIGATION FOR CHILD ABUSE.

(a) Study- The Attorney General shall study the establishment of a nationwide interstate

tracking system of persons convicted of, or under investigation for, child abuse. The study shall include an analysis, along with the costs and benefits, of various mechanisms for establishing an interstate tracking system, and include the extent to which existing registries could be used.

(b) Report- Not later than 90 days after the date of the enactment of this Act, the Attorney General shall report to the Congress the results of the study under this section.

SEC. 305. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY EDUCATIONAL AGENCIES FOR CERTAIN PURPOSES.

(a) In General- The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code), pursuant to a request submitted by a local educational agency or State educational agency in that State, on individuals employed by, under consideration for employment by, or volunteering for the agency in a position in which the individual would work with or around children. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for these checks.

(b) Protection of Information- An individual having information derived as a result of a check under subsection (a) may release that information only to an appropriate officer of a local educational agency or State educational agency, or to another person authorized by law to receive that information.

(c) Criminal Penalties- An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (b), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(d) Definition- In this section, the terms `local educational agency' and `State educational agency' have the meanings given to those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

TITLE IV--PROTECTION AGAINST SEXUAL EXPLOITATION OF CHILDREN

SEC. 401. INCREASED PENALTIES FOR SEXUAL OFFENSES AGAINST CHILDREN.

(a) Sexual Abuse and Contact-

(1) AGGRAVATED SEXUAL ABUSE OF CHILDREN- Section 2241(c) of title 18, United States Code, is amended by striking ` , imprisoned for any term of years or life, or both.' and inserting ` and imprisoned for not less than 30 years or for life.'.

(2) ABUSIVE SEXUAL CONTACT WITH CHILDREN- Section 2244 of chapter 109A of title 18, United States Code, is amended--

(A) in subsection (a)--

(i) in paragraph (1), by inserting ` subsection (a) or (b) of' before ` section 2241';

(ii) by striking ` or' at the end of paragraph (3);

(iii) by striking the period at the end of paragraph (4) and inserting `; or'; and

(iv) by inserting after paragraph (4) the following:

` (5) subsection (c) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title and imprisoned for any term of years or for life.'; and

(B) in subsection (c), by inserting `(other than subsection (a)(5))' after `violates this section'.

(3) SEXUAL ABUSE OF CHILDREN RESULTING IN DEATH- Section 2245 of title 18, United States Code, is amended--

(A) by inserting `, chapter 110, chapter 117, or section 1591' after `this chapter';

(B) by striking `A person' and inserting `(a) in general- A person'; and

(C) by adding at the end the following:

` (b) Offenses Involving Young Children- A person who, in the course of an offense under this chapter, chapter 110, chapter 117, or section 1591 engages in conduct that results in the death of a person who has not attained the age of 12 years, shall be punished by death or imprisoned for not less than 30 years or for life.'.

(4) DEATH PENALTY AGGRAVATING FACTOR- Section 3592(c)(1) of title 18, United States Code, is amended by inserting `section 2245 (sexual abuse resulting in death),' after `(wrecking trains),'.

(b) Sexual Exploitation and Other Abuse of Children-

(1) SEXUAL EXPLOITATION OF CHILDREN- Section 2251(e) of title 18, United States Code, is amended--

(A) by inserting `section 1591,' after `this chapter,' the first place it appears;

(B) by striking `the sexual exploitation of children' the first place it appears and inserting `aggravated sexual abuse, sexual abuse, abusive sexual contact involving a minor or ward, or sex trafficking of children, or the production, possession, receipt, mailing, sale, distribution, shipment, or transportation of child pornography'; and

(C) by striking `any term of years or for life' and inserting `not less than 30 years or for life'.

(2) ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF CHILDREN- Section 2252(b) of title 18, United States Code, is amended in paragraph (1)--

(A) by striking `paragraphs (1)' and inserting `paragraph (1)';

(B) by inserting `section 1591,' after `this chapter,'; and

(C) by inserting `, or sex trafficking of children' after `pornography'.

(3) ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY- Section 2252A(b) of title 18, United States Code, is amended in paragraph (1)--

(A) by inserting `section 1591,' after `this chapter,'; and

(B) by inserting `, or sex trafficking of children' after `pornography'.

(4) USING MISLEADING DOMAIN NAMES TO DIRECT CHILDREN TO HARMFUL MATERIAL ON THE INTERNET- Section 2252B(b) of title 18, United States Code, is amended by striking `4' and inserting `20'.

(c) Mandatory Life Imprisonment for Certain Repeated Sex Offenses Against Children- Section 3559(e)(2)(A) of title 18, United States Code, is amended--

(1) by striking `or 2423(a)' and inserting `2423(a)'; and

(2) by inserting `, 2423(b) (relating to travel with intent to engage in illicit sexual conduct), 2423(c) (relating to illicit sexual conduct in foreign places), or 2425 (relating to use of interstate facilities to transmit information about a minor)' after `minors)'.

SEC. 402. SENSE OF CONGRESS WITH RESPECT TO PROSECUTIONS UNDER SECTION 2422(b) OF TITLE 18, UNITED STATES CODE.

(a) Findings- Congress finds that--

(1) a jury convicted Jan P. Helder, Jr., of using a computer to attempt to entice an individual who had not attained the age of 18 years to engage in unlawful sexual activity;

(2) during the trial, evidence showed that Jan Helder had engaged in an online chat with an individual posing as a minor, who unbeknownst to him, was an undercover law enforcement officer;

(3) notwithstanding, Dean Whipple, District Judge for the Western District of Missouri, acquitted Jan Helder, ruling that because he did not, in fact, communicate with a minor, he did not commit a crime;

(4) the 9th Circuit Court of Appeals, in *United States v. Jeffrey Meek*, specifically addressed the question facing Judge Whipple and concurred with the 5th and 11th Circuit Courts in finding that `an actual minor victim is not required for an attempt conviction under 18 U.S.C. 2422(b).';

(5) the Department of Justice has successfully used evidence obtained through undercover law enforcement to prosecute and convict perpetrators who attempted to solicit children on the Internet; and

(6) the Department of Justice states, `Online child pornography/child sexual exploitation is the most significant cyber crime problem confronting the FBI that involves crimes against children'.

(b) Sense of Congress- It is the sense of Congress that--

(1) it is a crime under section 2422(b) of title 18, United States Code, to use a facility

of interstate commerce to attempt to entice an individual who has not attained the age of 18 years into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(2) well-established caselaw has established that section 2422(b) of title 18, United States Code, criminalizes any attempt to entice a minor into unlawful sexual activity, even if the perpetrator incorrectly believes that the individual has not attained the age of 18 years;

(3) the Department of Justice should appeal Judge Whipple's decision in United States v. Helder, Jr. and aggressively continue to track down and prosecute sex offenders on the Internet; and

(4) Judge Whipple's decision in United States v. Helder, Jr. should be overturned in light of the law as it is written, the intent of Congress, and well-established caselaw.

TITLE V--FOSTER CHILD PROTECTION AND CHILD SEXUAL PREDATOR DETERRENCE

SEC. 501. REQUIREMENT TO COMPLETE BACKGROUND CHECKS BEFORE APPROVAL OF ANY FOSTER OR ADOPTIVE PLACEMENT AND TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES; SUSPENSION AND SUBSEQUENT ELIMINATION OF OPT-OUT.

(a) Requirement to Complete Background Checks Before Approval of Any Foster or Adoptive Placement and to Check National Crime Information Databases and State Child Abuse Registries; Suspension of Opt-Out-

(1) REQUIREMENT TO CHECK NATIONAL CRIME INFORMATION DATABASES AND STATE CHILD ABUSE REGISTRIES- Section 471(a)(20) of the Social Security Act (42 U.S.C. 671(a)(20)) is amended--

(A) in subparagraph (A)--

(i) in the matter preceding clause (i)--

(I) by inserting ` , including fingerprint-based checks of national crime information databases (as defined in section 534(e)(3)(A) of title 28, United States Code),' after ` criminal records checks'; and

(II) by striking ` on whose behalf foster care maintenance payments or adoption assistance payments are to be made' and inserting ` regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child'; and

(ii) in each of clauses (i) and (ii), by inserting ` involving a child on whose behalf such payments are to be so made' after ` in any case'; and

(B) by adding at the end the following:

` (C) provides that the State shall--

` (i) check any child abuse and neglect registry maintained by the State for information on any prospective foster or adoptive parent and on any other adult

living in the home of such a prospective parent, and request any other State in which any such prospective parent or other adult has resided in the preceding 5 years, to enable the State to check any child abuse and neglect registry maintained by such other State for such information, before the prospective foster or adoptive parent may be finally approved for placement of a child, regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part;

` (ii) comply with any request described in clause (i) that is received from another State; and

` (iii) have in place safeguards to prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the State, and to prevent any such information obtained pursuant to this subparagraph from being used for a purpose other than the conducting of background checks in foster or adoptive placement cases; '.

(2) SUSPENSION OF OPT-OUT- Section 471(a)(20)(B) of such Act (42 U.S.C. 671(a)(20)(B)) is amended--

(A) by inserting ` , on or before September 30, 2005,' after ` plan if'; and

(B) by inserting ` , on or before such date,' after ` or if'.

(b) Elimination of Opt-Out- Section 471(a)(20) of such Act (42 U.S.C. 671(a)(20)), as amended by subsection (a) of this section, is amended--

(1) in subparagraph (A), in the matter preceding clause (i), by striking ` unless an election provided for in subparagraph (B) is made with respect to the State,'; and

(2) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B).

(c) Effective Date-

(1) IN GENERAL- The amendments made by subsection (a) shall take effect on October 1, 2005, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) ELIMINATION OF OPT-OUT- The amendments made by subsection (b) shall take effect on October 1, 2007, and shall apply with respect to payments under part E of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(3) DELAY PERMITTED IF STATE LEGISLATION REQUIRED- If the Secretary of Health and Human Services determines that State legislation (other than legislation appropriating funds) is required in order for a State plan under section 471 of the Social Security Act to meet the additional requirements imposed by the amendments made by a subsection of this section, the plan shall not be regarded as failing to meet any of the additional requirements before the first day of the first calendar quarter beginning after the first regular session of the State legislature that begins after the

otherwise applicable effective date of the amendments. If the State has a 2-year legislative session, each year of the session is deemed to be a separate regular session of the State legislature.

SEC. 502. ACCESS TO FEDERAL CRIME INFORMATION DATABASES BY CHILD WELFARE AGENCIES FOR CERTAIN PURPOSES.

(a) In General- The Attorney General of the United States shall, upon request of the chief executive officer of a State, conduct fingerprint-based checks of the national crime information databases (as defined in section 534 of title 28, United States Code) submitted by a local child welfare agency for the purpose of conducting a background check required under section 471(a)(20) of the Social Security Act on individuals under consideration as prospective foster or adoptive parents. Where possible, the check shall include a fingerprint-based check of State criminal history databases. The Attorney General and the States may charge any applicable fees for the checks.

(b) Limitation- An officer may use the authority under subsection (a) only for the purpose of conducting the background checks required under section 471(a)(20) of the Social Security Act.

(c) Protection of Information- An individual having information derived as a result of a check under subsection (a) may release that information only to appropriate officers of child welfare agencies or another person authorized by law to receive that information.

(d) Criminal Penalties- An individual who knowingly exceeds the authority in subsection (a), or knowingly releases information in violation of subsection (c), shall be imprisoned not more than 10 years or fined under title 18, United States Code, or both.

(e) Child Welfare Agency Defined- In this section, the term `child welfare agency' means--

- (1) the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act; and
- (2) any other public agency, or any other private agency under contract with the State or local agency responsible for administering the plan under part B or part E of title IV of the Social Security Act, that is responsible for the licensing or approval of foster or adoptive parents.

SEC. 503. PENALTIES FOR COERCION AND ENTICEMENT BY SEX OFFENDERS.

Section 2422(a) of title 18, United States Code, is amended by striking `or imprisoned not more than 20 years, or both' and inserting `and imprisoned not less than 10 years nor more than 30 years'.

SEC. 504. PENALTIES FOR CONDUCT RELATING TO CHILD PROSTITUTION.

Section 2423 of title 18, United States Code, is amended--

- (1) in subsection (a), by striking `5 years and not more than 30 years' and inserting `30 years or for life';
- (2) in subsection (b), by striking `or imprisoned not more than 30 years, or both' and

inserting ` and imprisoned for not less than 10 years and not more than 30 years';

(3) in subsection (c), by striking ` or imprisoned not more than 30 years, or both' and inserting ` and imprisoned for not less than 10 years and not more than 30 years'; and

(4) in subsection (d), by striking ` imprisoned not more than 30 years, or both' and inserting ` and imprisoned for not less than 10 nor more than 30 years'.

SEC. 505. PENALTIES FOR SEXUAL ABUSE.

(a) Aggravated Sexual Abuse- Section 2241 of title 18, United States Code, is amended--

(1) in subsection (a), by striking `, imprisoned for any term of years or life, or both' and inserting ` and imprisoned for any term of years not less than 30 or for life'; and

(2) in subsection (b), by striking `, imprisoned for any term of years or life, or both' and inserting ` and imprisoned for any term of years not less than 30 or for life'.

(b) Sexual Abuse- Section 2242 of title 18, United States Code, is amended by striking `, imprisoned not more than 20 years, or both' and inserting ` and imprisoned not less than 10 years nor more than 30 years'.

(c) Abusive Sexual Contact- Section 2244(a) of title 18, United States Code, is amended--

(1) in paragraph (1), by striking ` ten years' and inserting ` 30 years';

(2) in paragraph (2), by striking ` three years' and inserting ` 20 years';

(3) in paragraph (3), by striking ` two years' and inserting ` 15 years'; and

(4) in paragraph (4), by striking ` six months' and inserting ` 10 years'.

SEC. 506. SEX OFFENDER SUBMISSION TO SEARCH AS CONDITION OF RELEASE.

(a) Conditions of Probation- Section 3563(a) of title 18, United States Code, is amended--

(1) in paragraph (9), by striking the period and inserting ` ; and'; and

(2) by inserting after paragraph (9) the following:

` (10) for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.'.

(b) Supervised Release- Section 3583(d) of title 18, United States Code, is amended by adding at the end the following: ` The court may order, as an explicit condition of supervised release for a person who is a felon or required to register under the Sex Offender Registration and Notification Act, that the person submit his person, and any

property, house, residence, vehicle, papers, computer, other electronic communications or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.'

SEC. 507. KIDNAPPING JURISDICTION.

Section 1201 of title 18, United States Code, is amended--

(1) in subsection (a)(1), by striking `if the person was alive when the transportation began' and inserting `, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense'; and

(2) in subsection (b), by striking `to interstate' and inserting `in interstate'.

SEC. 508. MARITAL COMMUNICATION AND ADVERSE SPOUSAL PRIVILEGE.

(a) In General- Chapter 119 of title 28, United States Code, is amended by inserting after section 1826 the following:

` Sec. 1826A. Marital communications and adverse spousal privilege

` The confidential marital communication privilege and the adverse spousal privilege shall be inapplicable in any Federal proceeding in which a spouse is charged with a crime against--

` (1) a child of either spouse; or

` (2) a child under the custody or control of either spouse.'

(b) Technical and Conforming Amendment- The table of sections for chapter 119 of title 28, United States Code, is amended by inserting after the item relating to section 1826 the following:

` 1826A. Marital communications and adverse spousal privilege.'

SEC. 509. ABUSE AND NEGLECT OF INDIAN CHILDREN.

Section 1153(a) of title 18, United States Code, is amended by inserting `felony child abuse or neglect,' after `years,'.

SEC. 510. JIMMY RYCE CIVIL COMMITMENT PROGRAM.

Chapter 313 of title 18, United States Code, is amended--

(1) in the chapter analysis--

(A) in the item relating to section 4241, by inserting `or to undergo postrelease proceedings' after `trial'; and

(B) by inserting at the end the following:

` 4248. Civil commitment of a sexually dangerous person.';

(2) in section 4241--

(A) in the heading, by inserting ` or to undergo postrelease proceedings' after ` trial';

(B) in the first sentence of subsection (a), by inserting ` or at any time after the commencement of probation or supervised release and prior to the completion of the sentence,' after ` defendant,';

(C) in subsection (d)--

(i) by striking ` trial to proceed' each place it appears and inserting ` proceedings to go forward'; and

(ii) by striking ` section 4246' and inserting ` sections 4246 and 4248'; and

(D) in subsection (e)--

(i) by inserting ` or other proceedings' after ` trial'; and

(ii) by striking ` chapter 207' and inserting ` chapters 207 and 227';

(3) in section 4247--

(A) by striking ` , or 4246' each place it appears and inserting ` , 4246, or 4248';

(B) in subsections (g) and (i), by striking ` 4243 or 4246' each place it appears and inserting ` 4243, 4246, or 4248';

(C) in subsection (a)--

(i) by amending subparagraph (1)(C) to read as follows:

` (C) drug, alcohol, and sex offender treatment programs, and other treatment programs that will assist the individual in overcoming a psychological or physical dependence or any condition that makes the individual dangerous to others; and';

(ii) in paragraph (2), by striking ` and' at the end;

(iii) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(iv) by inserting at the end the following:

` (4) `bodily injury' includes sexual abuse;

` (5) `sexually dangerous person' means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others; and

` (6) `sexually dangerous to others' means that a person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.';

(D) in subsection (b), by striking ` 4245 or 4246' and inserting ` 4245, 4246, or 4248';

(E) in subsection (c)(4)--

(i) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) respectively; and

(ii) by inserting after subparagraph (C) the following:

` (D) if the examination is ordered under section 4248, whether the person is a sexually dangerous person;'; and

(F) in subsections (e) and (h)--

(i) by striking ` hospitalized' each place it appears and inserting ` committed'; and

(ii) by striking ` hospitalization' each place it appears and inserting ` commitment' ; and

(4) by inserting at the end the following:

` Sec. 4248. Civil commitment of a sexually dangerous person

` (a) Institution of Proceedings- In relation to a person who is in the custody of the Bureau of Prisons, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons relating to the mental condition of the person, the Attorney General or any individual authorized by the Attorney General or the Director of the Bureau of Prisons may certify that the person is a sexually dangerous person, and transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the Government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is a sexually dangerous person. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

` (b) Psychiatric or Psychological Examination and Report- Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

` (c) Hearing- The hearing shall be conducted pursuant to the provisions of section 4247(d).

` (d) Determination and Disposition- If, after the hearing, the court finds by clear and convincing evidence that the person is a sexually dangerous person, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall place the person for treatment in a suitable

facility, until--

- ` (1) such a State will assume such responsibility; or
- ` (2) the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment;

whichever is earlier.

` (e) Discharge- When the Director of the facility in which a person is placed pursuant to subsection (d) determines that the person's condition is such that he is no longer sexually dangerous to others, or will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the Government. The court shall order the discharge of the person or, on motion of the attorney for the Government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person's condition is such that--

` (1) he will not be sexually dangerous to others if released unconditionally, the court shall order that he be immediately discharged; or

` (2) he will not be sexually dangerous to others if released under a prescribed regimen of medical, psychiatric, or psychological care or treatment, the court shall--

` (A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the Director of the facility in which he is committed, and that has been found by the court to be appropriate; and

` (B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

` (f) Revocation of Conditional Discharge- The director of a facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that he is sexually dangerous to others in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

` (g) Release to State of Certain Other Persons- If the director of the facility in which a person is hospitalized or placed pursuant to this chapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to

the mental condition of the person, is a sexually dangerous person, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.'

SEC. 511. JIMMY RYCE STATE CIVIL COMMITMENT PROGRAMS FOR SEXUALLY DANGEROUS PERSONS.

(a) Grants Authorized- Except as provided in subsection (b), the Attorney General shall make grants to jurisdictions for the purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(b) Limitation- The Attorney General shall not make any grant under this section for the purpose of establishing, enhancing, or operating any transitional housing for a sexually dangerous person in or near a locations where minors or other vulnerable persons are likely to come into contact with that person.

(c) Eligibility-

(1) IN GENERAL- To be eligible to receive a grant under this section, a jurisdiction must, before the expiration of the compliance period--

(A) have established a civil commitment program for sexually dangerous persons that is consistent with guidelines issued by the Attorney General; or

(B) submit a plan for the establishment of such a program.

(2) COMPLIANCE PERIOD- The compliance period referred to in paragraph (1) expires on the date that is 2 years after the date of the enactment of this Act. However, the Attorney General may, on a case-by-case basis, extend the compliance period that applies to a jurisdiction if the Attorney General considers such an extension to be appropriate.

(d) Attorney General Reports- Not later than January 31 of each year, beginning with 2008, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of jurisdictions in implementing this section and the rate of sexually violent offenses for each jurisdiction.

(e) Definitions- As used in this section:

(1) The term `civil commitment program' means a program that involves--

(A) secure civil confinement, including appropriate control, care, and treatment during such confinement; and

(B) appropriate supervision, care, and treatment for individuals released following such confinement.

(2) The term `sexually dangerous person' means an individual who is dangerous to others because of a mental illness, abnormality, or disorder that creates a risk that the individual will engage in sexually violent conduct or child molestation.

(3) The term `jurisdiction' has the meaning given such term in section 111.

(f) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

SEC. 512. MANDATORY PENALTIES FOR SEX-TRAFFICKING OF CHILDREN.

Section 1591(b) of title 18, United States Code, is amended--

(1) in paragraph (1)--

(A) by striking `or imprisonment' and inserting `and imprisonment';

(B) by inserting `not less than 10' after `any term of years'; and

(C) by striking `, or both'; and

(2) in paragraph (2)--

(A) by striking `or imprisonment for not' and inserting `and imprisonment for not less than 5 years nor'; and

(B) by striking `, or both'.

SEC. 513. SEXUAL ABUSE OF WARDS.

Chapter 109A of title 18, United States Code, is amended--

(1) in section 2243(b), by striking `one year' and inserting `15 years';

(2) in section 2244(b), by striking `six months' and inserting `two years'; and

(3) by inserting after `Federal prison,' each place it appears, other than the second sentence of section 2241(c), the following: `or in any prison, institution, or facility in which persons are held in custody by direction of or pursuant to a contract or agreement with Attorney General,'.

SEC. 514. NO LIMITATION FOR PROSECUTION OF FELONY SEX OFFENSES.

Chapter 213 of title 18, United States Code, is amended--

(1) by adding at the end the following:

` Sec. 3298. Child abduction and sex offenses

` Notwithstanding any other law, an indictment may be found or an information instituted at any time without limitation for any offense under section 1201 involving a minor victim, and for any felony under chapter 109A, 110, or 117, or section 1591.'; and

(2) by adding at the end of the table of sections at the beginning of the chapter the following new item:

` 3298. Child abduction and sex offenses.'.

SEC. 515. CHILD ABUSE REPORTING.

Section 2258 of title 18, United States Code, is amended by striking 'Class B misdemeanor' and inserting 'Class A misdemeanor'.

TITLE VI--CHILD PORNOGRAPHY PREVENTION

SEC. 601. FINDINGS.

Congress makes the following findings:

(1) The effect of the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography on interstate market in child pornography.

(A) The illegal production, transportation, distribution, receipt, advertising and possession of child pornography, as defined in section 2256(8) of title 18, United States Code, as well as the transfer of custody of children for the production of child pornography, is harmful to the physiological, emotional, and mental health of the children depicted in child pornography and has a substantial and detrimental effect on society as a whole.

(B) A substantial interstate market in child pornography exists, including not only a multimillion dollar industry, but also a nationwide network of individuals openly advertising their desire to exploit children and to traffic in child pornography. Many of these individuals distribute child pornography with the expectation of receiving other child pornography in return.

(C) The interstate market in child pornography is carried on to a substantial extent through the mails and other instrumentalities of interstate and foreign commerce, such as the Internet. The advent of the Internet has greatly increased the ease of transporting, distributing, receiving, and advertising child pornography in interstate commerce. The advent of digital cameras and digital video cameras, as well as videotape cameras, has greatly increased the ease of producing child pornography. The advent of inexpensive computer equipment with the capacity to store large numbers of digital images of child pornography has greatly increased the ease of possessing child pornography. Taken together, these technological advances have had the unfortunate result of greatly increasing the interstate market in child pornography.

(D) Intrastate incidents of production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the transfer of custody of children for the production of child pornography, have a substantial and direct effect upon interstate commerce because:

(i) Some persons engaged in the production, transportation, distribution, receipt, advertising, and possession of child pornography conduct such activities entirely within the boundaries of one state. These persons are unlikely to be content with the amount of child pornography they produce, transport, distribute, receive, advertise, or possess. These persons are therefore likely to enter the interstate market in child pornography in search of additional child pornography, thereby stimulating demand in the interstate market in child pornography.

(ii) When the persons described in subparagraph (D)(i) enter the interstate market in search of additional child pornography, they are likely to distribute the child pornography they already produce, transport, distribute, receive, advertise, or possess to persons who will distribute additional child pornography to them, thereby stimulating supply in the interstate market in child pornography.

(iii) Much of the child pornography that supplies the interstate market in child pornography is produced entirely within the boundaries of one state, is not traceable, and enters the interstate market surreptitiously. This child pornography supports demand in the interstate market in child pornography and is essential to its existence.

(E) Prohibiting the intrastate production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of custody of children for the production of child pornography, will cause some persons engaged in such intrastate activities to cease all such activities, thereby reducing both supply and demand in the interstate market for child pornography.

(F) Federal control of the intrastate incidents of the production, transportation, distribution, receipt, advertising, and possession of child pornography, as well as the intrastate transfer of children for the production of child pornography, is essential to the effective control of the interstate market in child pornography.

(2) The importance of protecting children from repeat exploitation in child pornography:

(A) The vast majority of child pornography prosecutions today involve images contained on computer hard drives, computer disks, and related media.

(B) Child pornography is not entitled to protection under the First Amendment and thus may be prohibited.

(C) The government has a compelling state interest in protecting children from those who sexually exploit them, and this interest extends to stamping out the vice of child pornography at all levels in the distribution chain.

(D) Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse.

(E) Child pornography constitutes prima facie contraband, and as such should not be distributed to, or copied by, child pornography defendants or their attorneys.

(F) It is imperative to prohibit the reproduction of child pornography in criminal cases so as to avoid repeated violation and abuse of victims, so long as the government makes reasonable accommodations for the inspection, viewing, and examination of such material for the purposes of mounting a criminal defense.

SEC. 602. STRENGTHENING SECTION 2257 TO ENSURE THAT CHILDREN ARE NOT EXPLOITED IN THE PRODUCTION OF PORNOGRAPHY.

Section 2257(h) of title 18, United States Code, is amended--

(1) in paragraph (1), by striking ` subparagraphs (A) through (D) of'; and

(2) in paragraph (3), by striking ` which does not involve' and all that follows through ` depicted' and inserting ` with respect to which the Attorney General determines the record keeping requirements of this section are not needed to carry out the purposes of this chapter'.

SEC. 603. ADDITIONAL RECORDKEEPING REQUIREMENTS.

(a) New Requirement-

(1) IN GENERAL- Title 18, United States Code, is amended by inserting after section 2257 the following:

` Sec. 2257A. Recordkeeping requirements for simulated sexual conduct

` (a) Whoever produces any book, magazine, periodical, film, videotape, or other matter which--

` (1) contains a visual depiction of simulated sexually explicit conduct (except conduct described in section 2256(2)(A)(v)), created after the date of the enactment of this section, in which a performer (as defined in section 2257) appears to a reasonable person to be 25 years of age or younger; and

` (2) is produced in whole or in part with materials which have been mailed or shipped in interstate or foreign commerce, or is shipped or transported or is intended for shipment or transportation in interstate or foreign commerce;

shall create and maintain individually identifiable records pertaining to every performer portrayed in such a visual depiction.

` (b) Any person to whom subsection (a) applies shall, with respect to every performer portrayed in a visual depiction of simulated sexually explicit conduct, ascertain, require, and record the same information as a person to whom section 2257 applies is required to do under subsection (b) of that section.

` (c) Any person to whom subsection (a) applies shall maintain and make available to the Attorney General for inspection the same records as a person to whom section 2257 applies is required to do under subsection (c) of that section.

` (d) Subsection (d) of section 2257 applies with respect to records under this section in the same manner as it applies to records under section 2257.

` (e) Except as provided in this subsection, section 2257(e) applies with respect to copies of matter described in subsection (a)(1) of this section, in the same manner as it applies to copies of matter described in section 2257(a)(1). Section 2257(e) does not apply to matter produced by a person described in subsection (h)(1) of this section.

` (f) Subsections (f), (g), and (i) of section 2257 apply, in connection with depictions of simulated sexually explicit conduct described in subsection (a) of this section, with respect to persons to whom subsection (a) of this section applies in the same manner as those subsections apply, in connection with depictions of actual sexually explicit conduct, with respect to persons to whom section 2257(a) applies. Subsection (f)(4) does not apply to matter produced by a person described in subsection (h)(1).

` (g) As used in this section, the term ` produces' means--

` (1) to film, videotape, photograph; or create a picture, digital image, or digitally- or computer-manipulated image of an actual human being, that constitutes a visual depiction of simulated sexually explicit conduct; or

` (2) to make such a depiction available to another, if the circumstances in which the depiction is made available are likely to convey the impression that the depiction is child pornography.

` (h)(1) The provisions of this section, other than subsection (d), shall not apply to any person who produces any book, magazine, periodical, film, videotape, or other matter described in subsection (a) containing one or more visual depictions of simulated sexually explicit conduct, and who--

` (A) ascertains, by examination of an identification document containing such information, the name and birth date of every performer portrayed in such a visual depiction, and maintains such information in individually identifiable records;

` (B) makes such records available to the Attorney General for inspection at all reasonable times;

` (C) provides to the Attorney General the name, title, and business address of the individual employed for the purpose of maintaining such records; and

` (D) certifies to the Attorney General on an annual basis that the person ascertains and maintains the information and records described in subparagraph (A), that such records are made available as described in subparagraph (B), that the information described in subparagraph (C) is true and correct, and that the Attorney General will be promptly notified of any changes to the information.

` (2)(A) It shall be unlawful for any person knowingly to provide a false certification under paragraph (1)(D).

` (B) Whoever provides a false certification under paragraph (1)(D) above shall be fined in accordance with this title, imprisoned not more than 5 years, or both.

` (3) The Attorney General shall issue appropriate regulations to carry out this subsection.'

(2) EFFECTIVE DATE OF REGULATIONS- The regulations issued under section 2257A(h)(3) of title 18, United States Code, shall not become effective until 90 days after the regulations are published in the Federal Register.

(b) Clerical Amendment- The table of chapters at the beginning of chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2257 the following new item:

` 2257A. Recordkeeping requirements for simulated sexual conduct.'

SEC. 604. PREVENTION OF DISTRIBUTION OF CHILD PORNOGRAPHY USED AS EVIDENCE IN PROSECUTIONS.

Section 3509 of title 18, United States Code, is amended by adding at the end the following:

ˆ (m) Prohibition on Reproduction of Child Pornography-

ˆ (1) In any criminal proceeding, any property or material that constitutes child pornography (as defined by section 2256 of this title) must remain in the care, custody, and control of either the Government or the court.

ˆ (2)(A) Notwithstanding Rule 16 of the Federal Rules of Criminal Procedure, a court shall deny, in any criminal proceeding, any request by the defendant to copy, photograph, duplicate, or otherwise reproduce any property or material that constitutes child pornography (as defined by section 2256 of this title), so long as the Government makes the property or material reasonably available to the defendant.

ˆ (B) For the purposes of subparagraph (A), property or material shall be deemed to be reasonably available to the defendant if the Government provides ample opportunity for inspection, viewing, and examination at a Government facility of the property or material by the defendant, his or her attorney, aid any individual the defendant may seek to qualify to furnish expert testimony at trial.'.

SEC. 605. AUTHORIZING CIVIL AND CRIMINAL ASSET FORFEITURE IN CHILD EXPLOITATION AND OBSCENITY CASES.

(a) Conforming Forfeiture Procedures for Obscenity Offenses- Section 1467 of title 18, United States Code, is amended--

(1) in subsection (a)(3), by inserting a period after `of such offense' and striking all that follows; and

(2) by striking subsections (b) through (n) and inserting the following:

ˆ (b) The provisions of section 413 of the Controlled Substance Act (21 U.S.C. 853) with the exception of subsection (d), shall apply to the criminal forfeiture of property pursuant to subsection (a).

ˆ (c) Any property subject to forfeiture pursuant to subsection (a) may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46 of this title.'

(b) Amendments to Child Exploitation Forfeiture Provisions-

(1) CRIMINAL FORFEITURE- Section 2253(a) of title 18, United States Code, is amended--

(A) in the matter preceding paragraph (1) by--

(i) inserting `or who is convicted of an offense under sections 2252B or 2257 of this chapter,' after `2260 of this chapter';

(ii) inserting `, or 2425' after `2423' and striking `or' before `2423'; and

(iii) inserting `or an offense under chapter 109A' after `of chapter 117'; and

(B) in paragraph (I), by inserting `, 2252A, 2252B or 2257' after `2252'.

(2) CIVIL FORFEITURE- Section 2254(a) of title 18, United States Code, is amended--

- (A) in paragraph (1), by inserting ` , 2252A, 2252B, or 2257' after ` 2252';
- (B) in paragraph (2) --
- (i) by striking `or' and inserting `of' before `chapter 117';
- (ii) by inserting ` , or an offense under section 2252B or 2257 of this chapter,' after `Chapter 117,' and
- (iii) by inserting ` , or an offense under chapter 109A' before the period; and
- (C) in paragraph (3) by--
- (i) inserting ` , or 2425' after ` 2423' and striking `or' before ` 2423'; and
- (ii) inserting ` , a violation of section 2252B or 2257 of this chapter, or a violation of chapter 109A' before the period.
- (c) Amendments to RICO- Section 1961(1)(B) of title 18, United States Code, is amended by inserting ` 2252A, 2252B,' after ` 2252'.

SEC. 606. PROHIBITING THE PRODUCTION OF OBSCENITY AS WELL AS TRANSPORTATION, DISTRIBUTION, AND SALE.

- (a) Section 1465- Section 1465 of title 18 of the United States Code is amended--
- (1) by inserting ` production and' before ` transportation' in the heading of the section;
- (2) by inserting ` produces with the intent to transport, distribute, or transmit in interstate or foreign commerce, or whoever knowingly' after ` whoever knowingly' and before ` transports or travels in'; and
- (3) by inserting a comma after ` in or affecting such commerce'.
- (b) Section 1466- Section 1466 of title 18 of the United States Code is amended--
- (1) in subsection (a), by inserting ` producing with intent to distribute or sell, or' before ` selling or transferring obscene matter,';
- (2) in subsection (b), by inserting, ` produces' before ` sells or transfers or offers to sell or transfer obscene matter'; and
- (3) in subsection (b) by inserting ` production,' before ` selling or transferring or offering to sell or transfer such material.'.

TITLE VII--COURT SECURITY

SEC. 701. JUDICIAL BRANCH SECURITY REQUIREMENTS.

- (a) Ensuring Consultation With the Administrative Office of the United States Courts- Section 566 of title 28, United States Code, is amended by adding at the end the following:
- ` (i) The United States Marshals Service shall consult with the Administrative Office of the United States Courts on a continuing basis regarding the security requirements for the

judicial branch and inform the Administrative Office of the measures the Marshals Service intends to take to meet those requirements.'.

(b) Conforming Amendment- Section 604(a) of title 28, United States Code, is amended--

(1) by redesignating existing paragraph (24) as paragraph (25);

(2) by striking `and' at the end of paragraph (23); and

(3) by inserting after paragraph (23) the following:

`(24) Consult with the United States Marshals Service on a continuing basis regarding the security requirements for the Judicial Branch; and'.

SEC. 702. PROTECTION OF FAMILY MEMBERS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended--

(1) in subparagraph (A), by inserting `or a family member of that individual' after `that individual'; and

(2) in subparagraph (B)(i), by inserting `or a family member of that individual' after `the report'.

SEC. 703. EXTENSION OF SUNSET PROVISION.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking `2005' each place that term appears and inserting `2009'.

SEC. 704. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service to protect the judiciary, \$20,000,000 for each of fiscal years 2006 through 2010 for--

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary and Assistant United States Attorneys; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 705. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) Offense- Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

Sec. 1521. Retaliating against a Federal official by false claim or slander of title

` Whoever, with the intent to harass or intimidate a person designated in section 1114, files, or attempts or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of that person, on account of the performance of official duties by that person, shall be fined under this title or imprisoned for not more than 10 years, or both.'

(b) Clerical Amendment- The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

` 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.'

SEC. 706. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) Offense- Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

` Sec. 117. Protection of individuals performing certain official duties

` (a) Whoever knowingly makes restricted personal information about a covered official, or a member of the immediate family of that covered official, publicly available, with the intent that such restricted personal information be used to intimidate or facilitate the commission of a crime of violence (as defined in section 16) against that covered official, or a member of the immediate family of that covered official, shall be fined under this title and imprisoned not more than 5 years, or both.

` (b) As used in this section--

` (1) the term `restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

` (2) the term `covered official' means--

` (A) an individual designated in section 1114;

` (B) a public safety officer (as that term is defined in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968); or

` (C) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate; and

` (3) the term `immediate family' has the same meaning given that term in section 115(c)(2).'

(b) Clerical Amendment- The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

` 117. Protection of individuals performing certain official duties.'

SEC. 707. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, and those who commit fraud and other white-collar offenses. The report shall describe each of the following:

- (1) The number and nature of threats and assaults against attorneys handling those prosecutions and the reporting requirements and methods.
- (2) The security measures that are in place to protect the attorneys who are handling those prosecutions, including measures such as threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.
- (3) The Department of Justice's firearms deputation policies, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.
- (4) For each measure covered by paragraphs (1) through (3), when the report or measure was developed and who was responsible for developing and implementing the report or measure.
- (5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.
- (6) The measures that are taken to provide the attorneys with secure parking facilities, and how priorities for such facilities are established--
 - (A) among Federal employees within the facility;
 - (B) among Department of Justice employees within the facility; and
 - (C) among attorneys within the facility.
- (7) The frequency such attorneys are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.
- (8) With respect to attorneys who are licensed under State laws to carry firearms, the Department of Justice's policy as to--
 - (A) carrying the firearm between available parking and office buildings;
 - (B) securing the weapon at the office buildings; and
 - (C) equipment and training provided to facilitate safe storage at Department of Justice facilities.
- (9) The offices in the Department of Justice that are responsible for ensuring the security of the attorneys, the organization and staffing of the offices, and the manner

in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, the attorneys.

SEC. 708. FLIGHT TO AVOID PROSECUTION FOR KILLING PEACE OFFICERS.

(a) Flight- Chapter 49 of title 18, United States Code, is amended by adding at the end the following:

Sec. 1075. Flight to avoid prosecution for killing peace officers

Whoever moves or travels in interstate or foreign commerce with intent to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which he flees or under section 1114 or 1123, for a crime consisting of the killing, an attempted killing, or a conspiracy to kill, an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws or for a crime punishable by section 1114 or 1123, shall be fined under this title and imprisoned, in addition to any other imprisonment for the underlying offense, for any term of years not less than 10.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 49 of title 18, United States Code, is amended by adding at the end the following new item:

1075. Flight to avoid prosecution for killing peace officers.'

SEC. 709. SPECIAL PENALTIES FOR MURDER, KIDNAPPING, AND RELATED CRIMES AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) Murder- Section 1114 of title 18, United States Code, is amended--

(1) by inserting '(a)' before 'Whoever'; and

(2) by adding at the end the following:

(b) If the victim of a murder punishable under this section is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.'

(b) Kidnapping- Section 1201(a) of title 18, United States Code, is amended by adding at the end the following: 'If the victim of the offense punishable under this subsection is a United States judge (as defined in section 115) or a Federal law enforcement officer (as defined in 115) the offender shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results, may be sentenced to death.'

SEC. 710. AUTHORITY OF FEDERAL JUDGES AND PROSECUTORS TO CARRY FIREARMS.

(a) In General- Chapter 203 of title 18, United States Code, is amended by inserting after

section 3053 the following:

Sec. 3054. Authority of Federal judges and prosecutors to carry firearms

Any justice of the United States or judge of the United States (as defined in section 451 of title 28), any judge of a court created under article I of the United States Constitution, any bankruptcy judge, any magistrate judge, any United States attorney, and any other officer or employee of the Department of Justice whose duties include representing the United States in a court of law, may carry firearms, subject to such regulations as the Attorney General shall prescribe. Such regulations may provide for training and regular certification in the use of firearms and shall, with respect to justices, judges, bankruptcy judges, and magistrate judges, be prescribed after consultation with the Judicial Conference of the United States.'

(b) Clerical Amendment- The table of sections for such chapter is amended by inserting after the item relating to section 3053 the following:

3054. Authority of Federal judges and prosecutors to carry firearms.'

SEC. 711. PENALTIES FOR CERTAIN ASSAULTS.

Section 111 of title 18, United States Code, is amended--

(1) by striking '8 years' and inserting '15 years' in subsection (a); and

(2) by striking '20 years' and inserting '30 years' in subsection (b).

SEC. 712. PROTECTION OF FEDERALLY FUNDED PUBLIC SAFETY OFFICERS.

(a) Offense- Chapter 51 of title 18, United States Code, is amended by adding at the end the following:

Sec. 1123. Killing of federally funded public safety officers

(a) Whoever kills, or attempts or conspires to kill, a federally funded public safety officer while that officer is engaged in official duties, or on account of the performance of official duties, or kills a former federally funded public safety officer on account of the past performance of official duties, shall be punished by a fine under this title and imprisonment for any term of years not less than 30, or for life, or, if death results and the offender is prosecuted as a principal, may be sentenced to death.

(b) As used in this section--

(1) the term 'federally funded public safety officer' means a public safety officer for a public agency (including a court system, the National Guard of a State to the extent the personnel of that National Guard are not in Federal service, and the defense forces of a State authorized by section 109 of title 32) that receives Federal financial assistance, of an entity that is a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any territory or possession of the United States, an Indian tribe, or a unit of local government of that entity;

` (2) the term `public safety officer' means an individual serving a public agency in an official capacity, as a judicial officer, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew;

` (3) the term `judicial officer' means a judge or other officer or employee of a court, including prosecutors, court security, pretrial services officers, court reporters, and corrections, probation, and parole officers; and

` (4) the term `firefighter' includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew; and

` (5) the term `law enforcement officer' means an individual, with arrest powers, involved in crime and juvenile delinquency control or reduction, or enforcement of the laws.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following new item:

` 1123. Killing of federally funded public safety officers.'

SEC. 713. MODIFICATION OF DEFINITION OF OFFENSE AND OF THE PENALTIES FOR, INFLUENCING OR INJURING OFFICER OR JUROR GENERALLY.

Section 1503 of title 18, United States Code, is amended--

(1) so that subsection (a) reads as follows:

` (a)(1) Whoever--

` (A) corruptly, or by threats of force or force, endeavors to influence, intimidate, or impede a juror or officer in a judicial proceeding in the discharge of that juror or officer's duty;

` (B) injures a juror or an officer in a judicial proceeding arising out of the performance of official duties as such juror or officer; or

` (C) corruptly, or by threats of force or force, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice;

or attempts or conspires to do so, shall be punished as provided in subsection (b).

` (2) As used in this section, the term `juror or officer in a judicial proceeding' means a grand or petit juror, or other officer in or of any court of the United States, or an officer who may be serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate.'; and

(2) in subsection (b), by striking paragraphs (1) through (3) and inserting the following:

` (1) in the case of a killing, or an attempt or a conspiracy to kill, the punishment provided in section 1111, 1112, 1113, and 1117; and

` (2) in any other case, a fine under this title and imprisonment for not more than 30 years.'.

SEC. 714. MODIFICATION OF TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

(a) Changes in Penalties- Section 1512 of title 18, United States Code, is amended--

(1) in each of paragraphs (1) and (2) of subsection (a), insert `or conspires' after `attempts';

(2) so that subparagraph (A) of subsection (a)(3) reads as follows:

` (A) in the case of a killing, the punishment provided in sections 1111 and 1112;';

(3) in subsection (a)(3)--

(A) in the matter following clause (ii) of subparagraph (B) by striking `20 years' and inserting `30 years'; and

(B) in subparagraph (C), by striking `10 years' and inserting `20 years';

(4) in subsection (b), by striking `ten years' and inserting `30 years'; and

(5) in subsection (d), by striking `one year' and inserting `20 years'.

SEC. 715. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended--

(1) in subsection (a)(1), by inserting `or conspires' after `attempts';

(2) in subsection (a)(1)(B)--

(A) by inserting a comma after `probation'; and

(B) by striking the comma which immediately follows another comma;

(3) in subsection (a)(2)(B), by striking `20 years' and inserting `30 years';

(4) in subsection (b), by striking `ten years' and inserting `30 years';

(5) in the first subsection (e), by striking `10 years' and inserting `30 years'; and

(6) by redesignating the second subsection (e) as subsection (f).

SEC. 716. INCLUSION OF INTIMIDATION AND RETALIATION AGAINST WITNESSES IN STATE PROSECUTIONS AS BASIS FOR FEDERAL PROSECUTION.

Section 1952 of title 18, United States Code, is amended in subsection (b)(2), by inserting `intimidation of, or retaliation against, a witness, victim, juror, or informant,' after `extortion, bribery,'.

SEC. 717. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

“(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.”.

SEC. 718. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting “or other dangerous weapon” after “firearm”.

SEC. 719. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

(a) Murder Amendments- Section 1111 of title 18, United States Code, is amended in subsection (b) by inserting “not less than 30” after “any term of years”.

(b) Manslaughter Amendments- Section 1112(b) of title 18, United States Code, is amended--

(1) by striking “ten years” and inserting “20 years”; and

(2) by striking “six years” and inserting “10 years”.

SEC. 720. WITNESS PROTECTION GRANT PROGRAM.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after part BB (42 U.S.C. 3797j et seq.) the following new part:

“PART CC--WITNESS PROTECTION GRANTS

“SEC. 2811. PROGRAM AUTHORIZED.

“(a) In General- From amounts made available to carry out this part, the Attorney General may make grants to States, units of local government, and Indian tribes to create and expand witness protection programs in order to prevent threats, intimidation, and retaliation against victims of, and witnesses to, crimes.

“(b) Uses of Funds- Grants awarded under this part shall be--

“(1) distributed directly to the State, unit of local government, or Indian tribe; and

“(2) used for the creation and expansion of witness protection programs in the jurisdiction of the grantee.

“(c) Preferential Consideration- In awarding grants under this part, the Attorney General

may give preferential consideration, if feasible, to an application from a jurisdiction that--

- ` (1) has the greatest need for witness and victim protection programs;
- ` (2) has a serious violent crime problem in the jurisdiction;
- ` (3) has had, or is likely to have, instances of threats, intimidation, and retaliation against victims of, and witnesses to, crimes; and
- ` (4) shares an international border and faces a demonstrable threat from cross border crime and violence.

` (d) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2006 through 2010.'

SEC. 721. FUNDING FOR STATE COURTS TO ASSESS AND ENHANCE COURT SECURITY AND EMERGENCY PREPAREDNESS.

(a) In General- The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts--

- (1) to conduct assessments focused on the essential elements for effective courtroom safety and security planning; and
- (2) to implement changes deemed necessary as a result of the assessments.

(b) Essential Elements- As used in subsection (a)(1), the essential elements include, but are not limited to--

- (1) operational security and standard operating procedures;
- (2) facility security planning and self-audit surveys of court facilities;
- (3) emergency preparedness and response and continuity of operations;
- (4) disaster recovery and the essential elements of a plan;
- (5) threat assessment;
- (6) incident reporting;
- (7) security equipment;
- (8) developing resources and building partnerships; and
- (9) new courthouse design.

(c) Applications- To be eligible for a grant under this section, a highest State court shall submit to the Attorney General an application at such time, in such form, and including such information and assurances as the Attorney General shall require.

(d) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2006 through 2010.

SEC. 722. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) In General- The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) Database- For purposes of subsection (a), a threat assessment database is a database through which a State can--

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) Core Elements- The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) Authorization of Appropriations- There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2009.

SEC. 723. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) In General- Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended--

(1) in paragraph (3), by striking `and' at the end;

(2) in paragraph (4), by striking the period at the end and inserting `; and'; and

(3) by adding at the end the following:

`(5) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.'.

(b) Authorization of Appropriations- Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

`There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.'.

SEC. 724. GRANTS FOR YOUNG WITNESS ASSISTANCE.

(a) Definitions- For purposes of this section:

(1) DIRECTOR- The term `Director' means the Director of the Bureau of Justice Assistance.

(2) JUVENILE- The term `juvenile' means an individual who is 17 years of age or

younger.

(3) YOUNG ADULT- The term `young adult' means an individual who is between the ages of 18 and 21.

(4) STATE- The term `State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(b) Program Authorization- The Director may make grants to State and local prosecutors and law enforcement agencies in support of juvenile and young adult witness assistance programs, including State and local prosecutors and law enforcement agencies that have existing juvenile and adult witness assistance programs.

(c) Eligibility- To be eligible to receive a grant under this section, State and local prosecutors and law enforcement officials shall--

(1) submit an application to the Director in such form and containing such information as the Director may reasonably require; and

(2) give assurances that each applicant has developed, or is in the process of developing, a witness assistance program that specifically targets the unique needs of juvenile and young adult witnesses and their families.

(d) Use of Funds- Grants made available under this section may be used--

(1) to assess the needs of juvenile and young adult witnesses;

(2) to develop appropriate program goals and objectives; and

(3) to develop and administer a variety of witness assistance services, which includes--

(A) counseling services to young witnesses dealing with trauma associated in witnessing a violent crime;

(B) pre- and post-trial assistance for the youth and their family;

(C) providing education services if the child is removed from or changes their school for safety concerns;

(D) support for young witnesses who are trying to leave a criminal gang and information to prevent initial gang recruitment.

(E) protective services for young witnesses and their families when a serious threat of harm from the perpetrators or their associates is made; and

(F) community outreach and school-based initiatives that stimulate and maintain public awareness and support.

(e) Reports-

(1) REPORT- State and local prosecutors and law enforcement agencies that receive funds under this section shall submit to the Director a report not later than May 1st of each year in which grants are made available under this section. Reports shall describe progress achieved in carrying out the purpose of this section.

(2) REPORT TO CONGRESS- The Director shall submit to Congress a report by July 1st of each year which contains a detailed statement regarding grant awards, activities of grant recipients, a compilation of statistical information submitted by applicants, and an evaluation of programs established under this section.

(f) Authorization of Appropriations- There are authorized to be appropriated to carry out this section \$3,000,000 for each of fiscal years 2006, 2007, and 2008.

SEC. 725. STATE AND LOCAL COURT ELIGIBILITY.

(a) Bureau Grants- Section 302(c)(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732(c)(1)) is amended by inserting `State and local courts,' after `contracts with'.

(b) Edward Byrne Discretionary Grants- Section 510(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3760(a)) is amended by inserting `, State and local courts,' after `private agencies,'.

(c) State and Local Governments to Consider Courts- The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe--

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be; and

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be.

(d) Limitation on Amount for Courts- Section 511 of chapter A of subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3761) is amended by adding at the end the following: `Not more than five percent of the discretionary funds may be used for project or programs for State and local courts.'.

(e) Armor Vests- Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (3796ii) is amended--

(1) in subsection (a), by inserting `State and local court,' after `local,'; and

(2) in subsection (b), by inserting `State and local court' after `government,'.

(f) Child Abuse Prevention- Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended--

(1) in the section heading, by inserting `state and local courts,' after `agencies';

(2) in subsection (a), by inserting `and State and local courts' after `such agencies or organizations)'; and

(3) in subsection (a)(1), by inserting `and State and local courts' after `organizations'.

TITLE VIII--REDUCTION AND PREVENTION OF GANG VIOLENCE

SEC. 801. REVISION AND EXTENSION OF PENALTIES RELATED TO CRIMINAL STREET GANG ACTIVITY.

(a) In General- Chapter 26 of title 18, United States Code, is amended to read as follows:

CHAPTER 26--CRIMINAL STREET GANGS

Sec.

521. Criminal street gang prosecutions.

Sec. 521. Criminal street gang prosecutions

(a) Street Gang Crime- Whoever commits, or conspires, threatens or attempts to commit, a gang crime for the purpose of furthering the activities of a criminal street gang, or gaining entrance to or maintaining or increasing position in such a gang, shall, in addition to being subject to a fine under this title--

(1) if the gang crime results in the death of any person, be sentenced to death or life in prison;

(2) if the gang crime is kidnapping, aggravated sexual abuse, or maiming, be imprisoned for life or any term of years not less than 30;

(3) if the gang crime is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and

(4) in any other case, be imprisoned for life or for any term of years not less than 10.

(b) Forfeiture-

(1) IN GENERAL- The court, in imposing sentence on any person convicted of a violation of this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person shall forfeit to the United States such person's interest in--

(A) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and

(B) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as a result of the violation.

(2) APPLICATION OF CONTROLLED SUBSTANCES ACT- Subsections (b), (c), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), and (p) of section 413 of the Controlled Substances Act (21 U.S.C. 853) shall apply to a forfeiture under this section as though it were a forfeiture under that section.

(c) Definitions- The following definitions apply in this section:

(1) CRIMINAL STREET GANG- The term 'criminal street gang' means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence), in 2 or more separate criminal episodes, in relation to the group or association, if any of the activities of the criminal street

gang affects interstate or foreign commerce.

` (2) GANG CRIME- The term `gang crime' means conduct constituting any Federal or State crime, punishable by imprisonment for more than one year, in any of the following categories:

` (A) A crime of violence (other than a crime of violence against the property of another).

` (B) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

` (C) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

` (D) Any conduct punishable under section 844 (relating to explosive materials), subsection (a)(1), (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of this title) or is a serious drug offense (as defined in section 924(e)(2)(A))), (g)(2), (g)(3), (g)(4), (g)(5), (g)(8), (g)(9), (i), (j), (k), (n), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 (relating to fraud and related activity in connection with identification documents or access devices), section 1952 (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property).

` (E) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of the Immigration and Nationality Act.

` (3) AGGRAVATED SEXUAL ABUSE- The term `aggravated sexual abuse' means an offense that, if committed in the special maritime and territorial jurisdiction would be an offense under section 2241(a).

` (4) STATE- The term `State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.'

(b) Amendment Relating to Priority of Forfeiture Over Orders for Restitution- Section 3663(c)(4) of title 18, United States Code, is amended by striking `chapter 46 or chapter 96 of this title' and inserting `section 521, under chapter 46 or 96,'.

(c) Money Laundering- Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting `, section 521 (relating to criminal street gang prosecutions)' before `, section 541'.

SEC. 802. INCREASED PENALTIES FOR INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF RACKETEERING.

Section 1952 of title 18, United States Code, is amended--

(1) in subsection (a), by striking `perform' and all that follows through the end of the subsection and inserting `perform an act described in paragraph (1), (2), or (3), or conspires to do so, shall be punished as provided in subsection (d).'; and

(2) by adding at the end following:

`(d) The punishment for an offense under subsection (a) is--

`(1) in the case of a violation of paragraph (1) or (3), a fine under this title and imprisonment for not more than 20 years; and

`(2) in the case of a violation of paragraph (2), a fine under this title and imprisonment for any term of years or for life, but if death results the offender may be sentenced to death.'.

SEC. 803. AMENDMENTS RELATING TO VIOLENT CRIME.

(a) Carjacking- Section 2119 of title 18, United States Code, is amended--

(1) by striking `, with the intent to cause death or serious bodily harm' in the matter preceding paragraph (1);

(2) by inserting `or conspires' after `attempts' in the matter preceding paragraph (1);

(3) by striking `15' and inserting `20' in paragraph (1); and

(4) by striking `or imprisoned not more than 25 years, or both' and inserting `and imprisoned for any term of years or for life' in paragraph (2).

(b) Clarification of Illegal Gun Transfers to Commit Drug Trafficking Crime or Crimes of Violence- Section 924(h) of title 18, United States Code, is amended to read as follows:

`(h) Whoever, in or affecting interstate or foreign commerce, knowingly transfers a firearm, knowing or intending that the firearm will be used to commit, or possessed in furtherance of, a crime of violence or drug trafficking crime (as defined in subsection (c)(2)), shall be fined under this title and imprisoned not more than 20 years.'.

(c) Amendment of Special Sentencing Provision Relating to Limitations on Criminal Association- Section 3582(d) of title 18, United States Code, is amended--

(1) by inserting `section 521 (criminal street gang prosecutions), in' after `felony set forth in';

(2) by striking `specified person, other than his attorney, upon' and inserting `specified person upon'; and

(3) by inserting `a criminal street gang or' before `an illegal enterprise'.

(d) Conspiracy Penalty- Section 371 of title 18, United States Code, is amended by striking

` five' and inserting ` 20'.

SEC. 804. INCREASED PENALTIES FOR USE OF INTERSTATE COMMERCE FACILITIES IN THE COMMISSION OF MURDER-FOR-HIRE AND OTHER FELONY CRIMES OF VIOLENCE.

(a) In General- Section 1958 of title 18, United States Code, is amended--

(1) by striking the section heading and inserting the following:

` Sec. 1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence';

(2) in subsection (a), by inserting ` or other crime of violence, punishable by imprisonment for more than one year,' after ` intent that a murder'; and

(3) in subsection (a), by striking ` shall be fined' the first place it appears and all that follows through the end of such subsection and inserting the following:

` shall, in addition to being subject to a fine under this title--

` (1) if the crime of violence or conspiracy results in the death of any person, be sentenced to death or life in prison;

` (2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, or a conspiracy to commit such a crime of violence, be imprisoned any term of years or for life;

` (3) if the crime of violence is an assault, or a conspiracy to assault, that results in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and

` (4) in any other case, be imprisoned not more than 20 years.'.

(b) Clerical Amendment- The item relating to section 1958 in the table of sections at the beginning of chapter 95 of title 18, United States Code, is amended to read as follows:

` 1958. Use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.'.

SEC. 805. INCREASED PENALTIES FOR VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

(a) Offense- Section 1959(a) of title 18, United States Code, is amended to read as follows:

` (a) Whoever commits, or conspires, threatens, or attempts to commit, a crime of violence, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of furthering the activities of an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in, such an enterprise, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for any other violation of this chapter and in addition to being subject to a fine under this title--

- ^ (1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;
- ^ (2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for any term of years or for life;
- ^ (3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned not more than 30 years; and
- ^ (4) in any other case, be imprisoned not more than 20 years.'

(b) Venue- Section 1959 of title 18, United States Code, is amended by adding at the end the following:

^ (c) A prosecution for a violation of this section may be brought in--

- ^ (1) the judicial district in which the crime of violence occurred; or
- ^ (2) any judicial district in which racketeering activity of the enterprise occurred.'

SEC. 806. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) In General- Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

^ MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME

^ SEC. 424. (a) In General- Whoever commits, or conspires, or attempts to commit, a crime of violence during and in relation to a drug trafficking crime, shall, unless the death penalty is otherwise imposed, in addition and consecutive to the punishment provided for the drug trafficking crime and in addition to being subject to a fine under this title--

- ^ (1) if the crime of violence results in the death of any person, be sentenced to death or life in prison;
- ^ (2) if the crime of violence is kidnapping, aggravated sexual abuse (as defined in section 521), or maiming, be imprisoned for life or any term of years not less than 30;
- ^ (3) if the crime of violence is assault resulting in serious bodily injury (as defined in section 1365), be imprisoned for life or any term of years not less than 20; and
- ^ (4) in any other case, be imprisoned for life or for any term of years not less than 10.

^ (b) Venue- A prosecution for a violation of this section may be brought in--

- ^ (1) the judicial district in which the murder or other crime of violence occurred; or
- ^ (2) any judicial district in which the drug trafficking crime may be prosecuted.

` (c) Definitions- As used in this section--

` (1) the term `crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

` (2) the term `drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18, United States Code.'

(b) Clerical Amendment- The table of contents for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the item relating to section 423 the following:

` 424. Murder and other violent crimes committed during and in relation to a drug trafficking crime.'

SEC. 807. MULTIPLE INTERSTATE MURDER.

(a) Offense- Chapter 51 of title 18, United States Code, is amended by adding at the end the following new section:

` Sec. 1123. Use of interstate commerce facilities in the commission of multiple murder

` (a) In General- Whoever travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility of interstate or foreign commerce, or who conspires or attempts to do so, with intent that 2 or more intentional homicides be committed in violation of the laws of any State or the United States shall, in addition to being subject to a fine under this title--

` (1) if the offense results in the death of any person, be sentenced to death or life in prison;

` (2) if the offense results in serious bodily injury (as defined in section 1365), be imprisoned for any term of years, or for life; and

` (3) in any other case, be imprisoned not more than 20 years.

` (b) Definition- The term `State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 51 of title 18, United States Code, is amended by adding at the end the following:

` 1123. Use of interstate commerce facilities in the commission of multiple murder.'

SEC. 808. ADDITIONAL RACKETEERING ACTIVITY.

Section 1961(1) of title 18, United States Code, is amended--

(1) in subparagraph (A), by inserting `, or would have been so chargeable if the act or threat had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction,' after `chargeable under State law';

and

(2) in subparagraph (B), by inserting `section 1123 (relating to interstate murder),' after `section 1084 (relating to the transmission of gambling information),'.

SEC. 809. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142 of title 18, United States Code, is amended--

(1) in subsection (e), in the matter following paragraph (3), by inserting `an offense under subsection (g)(1) (where the underlying conviction is a serious drug trafficking offense (as defined in section 924(e)(2)(A))), (g)(2), (g)(4), (g)(5), (g)(8), or (g)(9) of section 922, a crime of violence, or' after `that the person committed';

(2) in subsection (f)(1)--

(A) by striking `or' at the end of subparagraph (C); and

(B) by adding at the end the following:

`(E) an offense under section 922(g); or'.

(3) in subsection (g), by amending paragraph (1) to read as follows:

`(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, or involves a controlled substance, firearm, explosive, or destructive devise;'

SEC. 810. VENUE IN CAPITAL CASES.

Section 3235 of title 18, United States Code, is amended to read as follows:

` Sec. 3235. Venue in capital cases

`(a) The trial for any offense punishable by death shall be held in the district where the offense was committed or in any district in which the offense began, continued, or was completed.

`(b) If the offense, or related conduct, under subsection (a) involves activities which affect interstate or foreign commerce, or the importation of an object or person into the United States, such offense may be prosecuted in any district in which those activities occurred.'

SEC. 811. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) In General- Chapter 213 of title 18, United States Code, is amended by adding at the end the following:

` Sec. 3298. Violent crime offenses

`No person shall be prosecuted, tried, or punished for any noncapital felony, crime of violence, including any racketeering activity or gang crime which involves any crime of violence, unless the indictment is found or the information is instituted not later than 15 years after the date on which the alleged violation occurred or the continuing offense was

completed.'

(b) Clerical Amendment- The table of sections at the beginning of chapter 213 of title 18, United States Code, is amended by adding at the end the following:

` 3298. Violent crime offenses.'

SEC. 812. CLARIFICATION TO HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

Rule 804(b)(6) of the Federal Rules of Evidence is amended to read as follows:

` (6) FORFEITURE BY WRONGDOING- A statement offered against a party who has engaged or acquiesced in wrongdoing, or who could reasonably foresee such wrongdoing would take place, if the wrongdoing was intended to, and did, procure the unavailability of the declarant as a witness.'

SEC. 813. TRANSFER OF JUVENILES.

The 4th undesignated paragraph of section 5032 of title 18, United States Code, is amended--

(1) by striking `A juvenile' where it appears at the beginning of the paragraph and inserting `Except as otherwise provided in this chapter, a juvenile';

(2) by striking `as an adult, except that, with' and inserting `as an adult. With'; and

(3) by striking `However, a juvenile' and all that follows through `criminal prosecution.' at the end of the paragraph and inserting `The Attorney General may prosecute as an adult a juvenile who is alleged to have committed an act after that juvenile's 16th birthday which if committed by an adult would be a crime of violence that is a felony, an offense described in subsection (d), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 (relating to penalties), section 930 (relating to possession of firearms and dangerous weapons in Federal facilities), or section 931 (relating to purchase, ownership, or possession of body armor by violent felons). The decision whether or not to prosecute a juvenile as an adult under the immediately preceding sentence is not subject to judicial review in any court. In a prosecution under that sentence, the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted as an adult of any lesser included offense.'

SEC. 814. CRIMES OF VIOLENCE AND DRUG CRIMES COMMITTED BY ILLEGAL ALIENS.

(a) Offenses- Title 18, United States Code, is amended by inserting after chapter 51 the following new chapter:

` CHAPTER 52--ILLEGAL ALIENS

` Sec.

` 1131. Enhanced penalties for certain crimes committed by illegal aliens.

Sec. 1131. Enhanced penalties for certain crimes committed by illegal aliens

Whoever, being an alien who is unlawfully present in the United States, commits, conspires or attempts to commit, a crime of violence (as defined in section 16) or a drug trafficking offense (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison. If the defendant was previously ordered removed under the Immigration and Nationality Act on the grounds of having committed a crime, the defendant shall be sentenced to not less than 15 years in prison. A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.'

(b) Clerical Amendment- The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following new item:

--1131'.

SEC. 815. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) Provision of Information to the NCIC- Not later than 180 days after the date of enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have on any and all aliens against whom a final order of removal has been issued, and any and all aliens who have signed a voluntary departure agreement. Such information shall be provided to the National Crime Information Center regardless of whether or not the alien received notice of a final order of removal and even if the alien has already been removed.

(b) Inclusion of Information in the NCIC Database- Section 534(a) of title 28, United States Code, is amended--

(1) in paragraph (3), by striking `and' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether or not the alien has received notice of the violation and even if the alien has already been removed; and'

SEC. 816. STUDY.

The Attorney General and the Secretary of Homeland Security shall jointly conduct a study on the connection between illegal immigration and gang membership and activity, including how many of those arrested nationwide for gang membership and violence are aliens illegally present in the United States. The Attorney General and the Secretary shall report the results of that study to Congress not later than one year after the date of the enactment of this Act.

TITLE IX--INCREASED FEDERAL RESOURCES TO PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS

SEC. 901. GRANTS TO STATE AND LOCAL PROSECUTORS TO COMBAT VIOLENT CRIME AND TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) In General- Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862), as amended by section 724 of this Act, is further amended--

- (1) in paragraph (4), by striking `and' at the end;
- (2) in paragraph (5), by striking the period at the end and inserting a semicolon; and
- (3) by adding at the end the following:
 - (A) allow more cases to be prosecuted; and
 - (B) reduce backlogs;
- (7) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors; and
- (8) to fund technology, equipment, and training for prosecutors to increase the accurate identification and successful prosecution of young violent offenders.'

(b) Authorization of Appropriations- Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$20,000,000 for each of the fiscal years 2006 through 2010 to carry out this subtitle.'

SEC. 902. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

- (1) \$20,000,000 for fiscal year 2006;
- (2) \$20,000,000 for fiscal year 2007;
- (3) \$20,000,000 for fiscal year 2008;
- (4) \$20,000,000 for fiscal year 2009; and
- (5) \$20,000,000 for fiscal year 2010.'

SEC. 903. STATE AND LOCAL REENTRY COURTS.

(a) In General- Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by inserting at the end the following:

SEC. 2979. STATE AND LOCAL REENTRY COURTS.

(a) Grants Authorized- The Attorney General shall award grants of not more than \$500,000 to--

(1) State and local courts; or

(2) State agencies, municipalities, public agencies, nonprofit organizations, and tribes that have agreements with courts to take the lead in establishing a re-entry court.

(b) Use of Funds- Grant funds awarded under this section shall be administered in accordance with the guidelines, regulations, and procedures promulgated by the Attorney General, and may be used to--

(1) monitor offenders returning to the community;

(2) provide returning offenders with--

(A) drug and alcohol testing and treatment; and

(B) mental and medical health assessment and services;

(3) convene community impact panels, victim impact panels, or victim impact educational classes;

(4) provide and coordinate the delivery of other community services to offenders, including--

(A) housing assistance;

(B) education;

(C) employment training;

(D) conflict resolution skills training;

(E) batterer intervention programs; and

(F) other appropriate social services; and

(5) establish and implement graduated sanctions and incentives.

(c) Application- Each eligible entity desiring a grant under this section shall, in addition to any other requirements required by the Attorney General, submit an application to the Attorney General that--

(1) describes a long-term strategy and detailed implementation plan, including how the entity plans to pay for the program after the Federal funding ends;

(2) identifies the governmental and community agencies that will be coordinated by this project;

(3) certifies that--

(A) there has been appropriate consultation with all affected agencies, including

existing community corrections and parole entities; and

` (B) there will be appropriate coordination with all affected agencies in the implementation of the program; and

` (4) describes the methodology and outcome measures that will be used in evaluation of the program.

` (d) Matching Requirement- The Federal share of a grant received under this section may not exceed 75 percent of the costs of the project funded under this section unless the Attorney General--

` (1) waives, wholly or in part, this matching requirement; and

` (2) publicly delineates the rationale for the waiver.

` (e) Annual Report- Each grantee under this section shall submit to the Attorney General, for each fiscal year in which funds from a grant received under this part is expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains--

` (1) a summary of the activities carried out under the grant;

` (2) an assessment of whether the activities summarized under paragraph (1) are meeting the needs identified in the application submitted under subsection (c); and

` (3) such other information as the Attorney General may require.

` (f) Authorization of Appropriations-

` (1) IN GENERAL- There are authorized to be appropriated \$10,000,000 for each of the fiscal years 2006 through 2009 to carry out this section.

` (2) LIMITATIONS- Of the amount made available to carry out this section in any fiscal year--

` (A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

` (B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.'

TITLE X--CRIME PREVENTION

SEC. 1001. CRIME PREVENTION CAMPAIGN GRANT.

Chapter A of subpart 2 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

` SEC. 513. CRIME PREVENTION CAMPAIGN GRANT.

` (a) Grant Authorization- The Attorney General may provide a grant to a private, nonprofit organization that has expertise in promoting crime prevention through public outreach and media campaigns in coordination with law enforcement agencies and other local government officials, and representatives of community public interest organizations,

including schools and youth-serving organizations, faith-based, and victims' organizations and employers.

` (b) Application- To request a grant under this section, an organization described in subsection (a) shall submit an application to the Attorney General in such form and containing such information as the Attorney General may require.

` (c) Use of Funds- An organization that receives a grant under this section shall--

- ` (1) create and promote national public communications campaigns;
- ` (2) develop and distribute publications and other educational materials that promote crime prevention;
- ` (3) design and maintain web sites and related web-based materials and tools;
- ` (4) design and deliver training for law enforcement personnel, community leaders, and other partners in public safety and hometown security initiatives;
- ` (5) design and deliver technical assistance to States, local jurisdictions, and crime prevention practitioners;
- ` (6) coordinate a coalition of Federal, national, and statewide organizations and communities supporting crime prevention;
- ` (7) design, deliver, and assess demonstration programs;
- ` (8) operate National McGruff Network and related programs;
- ` (9) operate the Teens, Crime, and Community Program; and
- ` (10) evaluate crime prevention programs and trends.

` (d) Authorization of Appropriations- There are authorized to be appropriated to carry out this section--

- ` (1) for fiscal year 2006, \$6,000,000;
- ` (2) for fiscal year 2007, \$7,000,000;
- ` (3) for fiscal year 2008, \$8,000,000;
- ` (4) for fiscal year 2009, \$9,000,000; and
- ` (5) for fiscal year 2010, \$10,000,000.'.

END