

105TH CONGRESS
2D SESSION

H. R. 4258

To penalize States that release individuals convicted of murder, rape, or a dangerous sexual offense involving a child under the age of 14.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 1998

Mr. SALMON (for himself, Mr. SCARBOROUGH, Mr. LIVINGSTON, Mr. GILMAN, Mr. TRAFICANT, Mr. ENGLISH of Pennsylvania, Mr. SMITH of New Jersey, Mr. RILEY, Mr. WELDON of Pennsylvania, Mr. PAPPAS, Mr. HILLEARY, Mr. HAYWORTH, Mr. LOBIONDO, Mr. SAXTON, Mr. BOB SCHAFFER of Colorado, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. NEUMANN, Mr. KING, Mr. ENSIGN, Mr. FOX of Pennsylvania, Mr. FOLEY, Mr. McHALE, Mr. CHRISTENSEN, Mr. WELLER, Mr. CUNNINGHAM, and Mrs. FOWLER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To penalize States that release individuals convicted of murder, rape, or a dangerous sexual offense involving a child under the age of 14.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Second Chances
5 for Murderers, Rapists, or Child Molesters Act of 1998”.

1 **SEC. 2. SENSE OF CONGRESS.**

2 It is the sense of Congress that—

3 (1) any individual convicted of murder should
4 receive the death penalty or be imprisoned for life
5 without the possibility of parole; and

6 (2) any individual convicted of rape or a dan-
7 gerous sexual offense involving a child under the age
8 of 14 should be imprisoned for life without the possi-
9 bility of parole.

10 **SEC. 3. PENALTY FOR STATES THAT RELEASE CERTAIN**
11 **FELONS.**

12 (a) PENALTY.—

13 (1) IN GENERAL.—In a case in which a State
14 convicts a person of murder, rape, or a dangerous
15 sexual offense, who has a prior conviction for one of
16 these offenses in another State, the Attorney Gen-
17 eral shall administer the transfer of the following
18 amounts from Federal law enforcement assistance
19 funds of the State that convicted such person of the
20 first offense:

21 (A) Up to \$100,000 shall be transferred to
22 each victim (or if the victim is deceased, the
23 victim's estate) of the subsequent offense.

24 (B) The cost of incarceration, prosecution,
25 and apprehension of such person shall be trans-
26 ferred to the State that convicted of a subse-

1 quent offense. Half of the amounts transferred
2 shall be paid to the State entity designated to
3 administer crime victim assistance, and half
4 shall be deposited in a State account that col-
5 lects Federal law enforcement funds.

6 (2) MULTIPLE STATES.—In a case in which a
7 State convicts a person of murder, rape, or a dan-
8 gerous sexual offense, who has a prior conviction for
9 one of these offenses in more than one State, the At-
10 torney General shall administer the transfer of the
11 following amounts from Federal law enforcement as-
12 sistance funds of each State that convicted of a prior
13 offense:

14 (A) Up to \$100,000 shall be apportioned
15 equally among the States that convicted of prior
16 offenses and transferred to each victim (or if
17 the victim is deceased, the victim's estate) of
18 the subsequent offense.

19 (B) The cost of incarceration, prosecution,
20 and apprehension of such person shall be ap-
21 portioned equally among the States that con-
22 victed of prior offenses and transferred to the
23 State that convicted of a subsequent offense.
24 Half of the amounts transferred shall be paid
25 to the State entity designated to administer

1 crime victim assistance, and half shall be depos-
2 ited in a State account that collects Federal law
3 enforcement funds.

4 (b) STATE APPLICATIONS.—To receive funds under
5 this section, the chief executive of a State shall submit
6 an application to the Attorney General in such form and
7 containing such information as the Attorney General may
8 reasonably require, including a certification that the State
9 has convicted a person of murder, rape, or a dangerous
10 sexual offense, who has a prior conviction for one of these
11 offenses in another State.

12 (c) SOURCE OF FUNDS.—Any amount transferred as
13 a result of subsection (a) shall be derived by reducing
14 funds from Federal law enforcement assistance programs
15 received by the State that convicted of the first offense.
16 The Attorney General, in consultation with the chief execu-
17 tive of the State that convicted of the first offense, shall
18 develop a payment schedule.

19 (d) CONSTRUCTION.—This section shall not be con-
20 strued to diminish or modify any court ordered restitution.

21 **SEC. 4. UNITED STATES SENTENCING COMMISSION.**

22 The United States Sentencing Commission shall
23 amend the Federal Sentencing Guidelines to provide
24 that—

1 (1) whoever is guilty of murder, as defined in
2 section 6 of this Act, shall be punished by death or
3 by imprisonment for life; and

4 (2) whoever is guilty of rape or a dangerous
5 sexual offense, as defined in section 6 of this Act,
6 shall be punished by imprisonment for life.

7 **SEC. 5. COLLECTION OF RECIDIVISM DATA.**

8 Pursuant to guidelines established in the Uniform
9 Federal Crime Reporting Act of 1988 (Public Law 100–
10 690), the Attorney General shall collect and distribute
11 data to the President, Members of the Congress, State
12 governments, and officials of localities and penal and other
13 institutions participating in the Uniform Crime Reports
14 program which includes—

15 (1) the number of murders, rapes, and dan-
16 gerous sexual offenses committed by persons pre-
17 viously convicted of one of these offenses; and

18 (2) the percentage of cases in which a person
19 convicted of murder, rape, or a dangerous sexual of-
20 fense in one State commits a second offense in an-
21 other State.

22 **SEC. 6. DEFINITIONS.**

23 For purposes of this Act—

1 (1) MURDER.—The term “murder” means the
2 unlawful killing of a human being with malice
3 aforethought, and includes murder—

4 (A) perpetrated by poison, lying in wait, or
5 any other kind of willful, deliberate, malicious,
6 and premeditated killing;

7 (B) committed in the perpetration of, or
8 attempt to perpetrate, any arson, escape, mur-
9 der, kidnapping, treason, espionage, sabotage,
10 aggravated sexual abuse or sexual abuse, bur-
11 glary, or robbery; or

12 (C) perpetrated from a premeditated de-
13 sign unlawfully and maliciously to effect the
14 death of any individual other than the individ-
15 ual who is killed.

16 (2) RAPE.—The term “rape” includes the car-
17 nal knowledge of an individual forcibly and against
18 the will of such individual.

19 (3) DANGEROUS SEXUAL OFFENSE.—The term
20 “dangerous sexual offense” means sexual abuse or
21 sexually explicit conduct committed by an individual
22 who is over the age of 18 against a child under the
23 age of 14.

24 (4) SEXUAL ABUSE.—The term “sexual abuse”
25 includes the employment, use, persuasion, induce-

1 ment, enticement, or coercion of a child under the
2 age of 14 to engage in, or assist another person to
3 engage in, sexually explicit conduct or the rape, mo-
4 lestation, prostitution, or other form of sexual ex-
5 ploitation of children, or incest with children.

6 (5) SEXUALLY EXPLICIT CONDUCT.—The term
7 “sexually explicit conduct” means actual or simu-
8 lated—

9 (A) sexual intercourse, including sexual
10 contact in the manner of genital-genital, oral-
11 genital, anal-genital, or oral-anal contact,
12 whether between persons of the same or of op-
13 posite sex;

14 (B) bestiality;

15 (C) masturbation;

16 (D) lascivious exhibition of the genitals or
17 pubic area of a person or animal; or

18 (E) sadistic or masochistic abuse.

19 (6) SEXUAL CONTACT.—The term “sexual con-
20 tact” means the intentional touching, either directly
21 or through clothing, of the genitalia, anus, groin,
22 breast, inner thigh, or buttocks of any person with
23 an intent to abuse, humiliate, harass, degrade, or
24 arouse or gratify sexual desire of any person.

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