

106TH CONGRESS  
1ST SESSION

# H. R. 894

To encourage States to incarcerate individuals convicted of murder, rape,  
or child molestation.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 2, 1999

Mr. SALMON (for himself, Mr. WELDON of Pennsylvania, Mr. DELAY, Mr. LARGENT, Mr. FROST, Mr. WELLER, Mr. GRAHAM, Mr. CHABOT, Mr. SMITH of Washington, Ms. PRYCE of Ohio, Mr. KASICH, Mr. CANNON, Mrs. FOWLER, Ms. DANNER, Mrs. BONO, Mr. GILMAN, Mrs. MYRICK, Mr. LOBIONDO, Mr. SCHAFFER, Mr. SCARBOROUGH, Mr. HILLEARY, Mr. ENGLISH, Mr. LAZIO, Mr. SAXTON, Mr. HORN, Mr. TRAFICANT, Mr. HAYWORTH, Mr. SMITH of New Jersey, Mr. BRADY of Texas, Mr. PITTS, Mr. BURR of North Carolina, Mrs. KELLY, Mr. KING of New York, Mr. HALL of Texas, Mr. BARTLETT of Maryland, Mr. FOLEY, Mr. MICA, Mr. GARY MILLER of California, Mr. LINDER, Mr. BARTON of Texas, Mr. CUNNINGHAM, Mr. NEY, Mr. GOODE, Mrs. CUBIN, Mr. SHADEGG, Mr. CALVERT, Mr. GREEN of Wisconsin, Mr. PACKARD, Mr. GREEN of Texas, Mr. REGULA, Mr. TIAHRT, Mr. SESSIONS, Mr. SWEENEY, Mr. RILEY, Mr. ADERHOLT, Mr. PICKERING, Mr. KNOLLENBERG, and Mr. KINGSTON) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To encourage States to incarcerate individuals convicted of  
murder, rape, or child molestation.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “No Second Chances  
3 for Murderers, Rapists, or Child Molesters Act of 1999”  
4 or “Aimee’s Law”.

5 **SEC. 2. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) any individual convicted of murder should  
8 receive the death penalty or be imprisoned for life  
9 without the possibility of parole; and

10 (2) any individual convicted of rape or a dan-  
11 gerous sexual offense involving a child under the age  
12 of 14 should be imprisoned for life without the possi-  
13 bility of parole.

14 **SEC. 3. REIMBURSEMENT TO STATES AND VICTIMS FOR**  
15 **CRIMES COMMITTED BY CERTAIN RELEASED**  
16 **FELONS.**

17 (a) PENALTY.—

18 (1) IN GENERAL.—In a case in which a State  
19 convicts a person of murder, rape, or a dangerous  
20 sexual offense, who has a prior conviction for one of  
21 these offenses in another State, the Attorney Gen-  
22 eral shall administer the transfer of the following  
23 amounts from Federal law enforcement assistance  
24 funds that have been allocated to but not distributed  
25 to the State that convicted such person of the first  
26 offense:

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

4 (B) The cost of incarceration, prosecution,  
5 and apprehension of such person shall be trans-  
6 ferred to the State that convicted of a subse-  
7 quent offense. Half of the amounts transferred  
8 shall be paid to the State entity designated to  
9 administer crime victim assistance, and half  
10 shall be deposited in a State account that col-  
11 lects Federal law enforcement funds.

12 (2) MULTIPLE STATES.—In a case in which a  
13 State convicts a person of murder, rape, or a dan-  
14 gerous sexual offense, who has a prior conviction for  
15 one of these offenses in more than one State, the At-  
16 torney General shall administer the transfer of the  
17 following amounts from Federal law enforcement as-  
18 sistance funds allocated to but not distributed to  
19 each State that convicted of a prior offense:

20 (A) Up to \$100,000 shall be apportioned  
21 equally among the States that convicted of prior  
22 offenses and transferred to each victim (or if  
23 the victim is deceased, the victim's estate) of  
24 the subsequent offense.

1           (B) The cost of incarceration, prosecution,  
2           and apprehension of such person shall be ap-  
3           portioned equally among the States that con-  
4           victed of prior offenses and transferred to the  
5           State that convicted of a subsequent offense.  
6           Half of the amounts transferred shall be paid  
7           to the State entity designated to administer  
8           crime victim assistance, and half shall be depos-  
9           ited in a State account that collects Federal law  
10          enforcement funds.

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

19          (c) SOURCE OF FUNDS.—Any amount transferred as  
20 a result of subsection (a) shall be derived by reducing  
21 funds from Federal law enforcement assistance programs  
22 received by the State that convicted of the first offense  
23 prior to distribution of funds to the State. The Attorney  
24 General, in consultation with the chief executive of the

1 State that convicted of the first offense, shall develop a  
2 payment schedule.

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

5 **SEC. 4. COLLECTION OF RECIDIVISM DATA.**

6 (a) IN GENERAL.—The Attorney General shall seek  
7 to obtain information for each calendar year, starting with  
8 calendar year 1999, about—

9 (1) the number of convictions for murder, rape,  
10 and any sex offenses in the United States where the  
11 victim has not attained the age of 14 years and the  
12 offender has attained the age of 18 years; and

13 (2) the number of such convictions that are sec-  
14 ond or subsequent convictions of the defendant for  
15 a crime described in paragraph (1).

16 (b) REPORT.—The Attorney General shall report to  
17 Congress in each calendar year, starting with calendar  
18 year 2000, the information obtained under subsection (a),  
19 broken down by State. Such report shall also include the  
20 percentage of cases in each State in which a person con-  
21 victed of a crime described in subsection (a)(1) was pre-  
22 viously convicted of another such crime in another State.

23 **SEC. 5. DEFINITIONS.**

24 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  
8       simulated—

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, or 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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