

109TH CONGRESS  
1ST SESSION

# H. R. 3133

To provide for the registration of sex offenders and for appropriate notification of their whereabouts, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Mr. FOLEY (for himself and Mr. CRAMER) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To provide for the registration of sex offenders and for appropriate notification of their whereabouts, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sex Offender Registra-  
5 tion and Notification Act”.

6 **SEC. 2. DECLARATION OF PURPOSE.**

7 In response to the vicious attacks by violent sexual  
8 predators against the victims listed below, Congress in this  
9 Act establishes a comprehensive national system for the  
10 registration of sex offenders:

1           (1) Jacob Wetterling, who was 11 years old,  
2           was abducted in 1989 in Minnesota, and remains  
3           missing.

4           (2) Megan Nicole Kanka, who was 7 years old,  
5           was abducted, sexually assaulted and murdered in  
6           1994, in New Jersey.

7           (3) Pam Lychner, who was 31 years old, was  
8           attacked by a career offender in Houston, Texas.

9           (4) Jetseta Gage, who was 10 years old, was  
10          kidnapped, sexually assaulted, and murdered in  
11          2005 in Cedar Rapids, Iowa.

12          (5) Dru Sjodin, who was 22 years old, was sex-  
13          ually assaulted and murdered in 2003, in North Da-  
14          kota.

15          (6) Jessica Lunsford, who was 9 years, was ab-  
16          ducted, sexually assaulted, buried alive, and mur-  
17          dered in 2005, in Homosassa, Florida.

18          (7) Sarah Lunde, who was 13 years old, was  
19          strangled and murdered in 2005, in Ruskin, Florida.

20          (8) Amie Zyla, who was 8 years old, was sexu-  
21          ally assaulted in 1996 by a juvenile offender in  
22          Waukesha, Wisconsin, and has become an advocate  
23          for child victims and protection of children from ju-  
24          venile sex offenders.

1           (9) Christy Ann Fornoff, who was 13 years old,  
2           was abducted, sexually assaulted and murdered in  
3           1984, in Tempe, Arizona.

4           (10) Alexandra Nicole Zapp, who was 30 years  
5           old, was brutally attacked and murdered in a public  
6           restroom by a repeat sex offender in 2002, in  
7           Bridgewater, Massachusetts.

8   **TITLE I—JACOB WETTERLING**  
9   **SEX OFFENDER REGISTRA-**  
10 **TION AND NOTIFICATION**  
11 **PROGRAM**

12 **SEC. 101. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA**  
13           **EXPANSION OF SEX OFFENDER DEFINITION**  
14           **AND EXPANDED INCLUSION OF CHILD PRED-**  
15           **ATORS.**

16           In this Act the following definitions apply:

17           (1) **SEX OFFENDER REGISTRY.**—The term “sex  
18           offender registry” means a registry of sex offenders,  
19           and a notification program, maintained by a juris-  
20           diction.

21           (2) **JURISDICTION.**—The term jurisdiction  
22           means any of the following:

23                   (A) A State.

24                   (B) The District of Columbia.

25                   (C) The Commonwealth of Puerto Rico.

1 (D) Guam.

2 (E) American Samoa.

3 (F) Northern Mariana Islands.

4 (G) The United States Virgin Islands.

5 (H) A federally recognized Indian tribe.

6 (3) AMIE ZYLA EXPANSION OF SEX OFFENDER  
7 DEFINITION.—The term “sex offender” means an  
8 individual who, either before or after the enactment  
9 of this Act, was convicted of, or adjudicated a juve-  
10 nile delinquent for, an offense (other than an offense  
11 involving sexual conduct where the victim was at  
12 least 13 years old and the offender was not more  
13 than 4 years older than the victim and the sexual  
14 conduct was consensual, or an offense consisting of  
15 consensual sexual conduct with an adult) whether  
16 Federal, State, local, tribal, foreign (other than an  
17 offense based on conduct that would not be a crime  
18 if the conduct took place in the United States), mili-  
19 tary, juvenile or other, that is—

20 (A) a specified offense against a minor;

21 (B) a serious sex offense; or

22 (C) a misdemeanor sex offense against a  
23 minor.

24 (4) EXPANSION OF DEFINITION OF OFFENSE  
25 TO INCLUDE ALL CHILD PREDATORS.—The term

1 “specified offense against a minor” means an of-  
2 fense against a minor that involves any of the fol-  
3 lowing:

4 (A) Kidnapping (unless committed by a  
5 parent).

6 (B) False imprisonment (unless committed  
7 by a parent).

8 (C) Solicitation to engage in sexual con-  
9 duct.

10 (D) Use in a sexual performance.

11 (E) Solicitation to practice prostitution.

12 (F) Possession, production, or distribution  
13 of child pornography.

14 (G) Criminal sexual conduct towards a  
15 minor.

16 (H) Any conduct that by its nature is a  
17 sexual offense against a minor.

18 (I) Any other offense designated by the At-  
19 torney General for inclusion in this definition.

20 (J) Any attempt or conspiracy to commit  
21 an offense described in this paragraph.

22 (5) SEX OFFENSE.—The term “sex offense”  
23 means a criminal offense that has an element involv-  
24 ing sexual act or sexual contact with another, or an  
25 attempt or conspiracy to commit such an offense.

1           (6) SERIOUS SEX OFFENSE.—The term “seri-  
2           ous sex offense” means—

3                   (A) a sex offense punishable under the law  
4                   of a jurisdiction by imprisonment for more than  
5                   one year;

6                   (B) any Federal offense under chapter  
7                   109A, 110, 117, or section 1591 of title 18,  
8                   United States Code;

9                   (C) an offense in a category specified by  
10                   the Secretary of Defense under section  
11                   115(a)(8)(C) of title I of Public Law 105–119  
12                   (10 U.S.C. 951 note); and

13                   (D) any other offense designated by the  
14                   Attorney General for inclusion in this definition.

15           (7) MISDEMEANOR SEX OFFENSE AGAINST A  
16           MINOR.—The term “misdemeanor sex offense  
17           against a minor” means a sex offense against a  
18           minor punishable by imprisonment for not more  
19           than one year.

20           (8) STUDENT.—The term “student” means an  
21           individual who enrolls or attends an educational in-  
22           stitution, including (whether public or private) a sec-  
23           ondary school, trade or professional school, and in-  
24           stitution of higher education.

1           (9) EMPLOYEE.—The term “employee” includes  
2           an individual who is self-employed or works for any  
3           other entity, whether compensated or not.

4           (10) RESIDES.—The term “resides” means,  
5           with respect to an individual, the location of the in-  
6           dividual’s home or other place where the individual  
7           lives.

8           (11) MINOR.—The term “minor” means an in-  
9           dividual who has not attained the age of 18 years.

10 **SEC. 102. REGISTRY REQUIREMENTS FOR JURISDICTIONS.**

11           Each jurisdiction shall maintain a jurisdiction-wide  
12 sex offender registry conforming to the requirements of  
13 this Act. The Attorney General shall issue and interpret  
14 guidelines to implement the requirements and purposes of  
15 this Act.

16 **SEC. 103. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.**

17           (a) IN GENERAL.—A sex offender must register, and  
18 keep the registration current, in each jurisdiction where  
19 the offender resides, where the offender is an employee,  
20 and where the offender is a student.

21           (b) INITIAL REGISTRATION.—The sex offender shall  
22 initially register—

23           (1) before completing a sentence of imprison-  
24 ment with respect to the offense giving rise to the  
25 registration requirement; or

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

4           (c) **KEEPING THE REGISTRATION CURRENT.**—A sex  
5           offender must inform each jurisdiction involved, not later  
6           than 5 days after each change of residence, employment,  
7           or student status.

8           (d) **RETROACTIVE DUTY TO REGISTER.**—The Attor-  
9           ney General shall prescribe a method for the registration  
10          of sex offenders convicted before the enactment of this  
11          Act.

12          (e) **STATE PENALTY FOR FAILURE TO COMPLY.**—  
13          Each jurisdiction shall provide a criminal penalty, that in-  
14          cludes a maximum term of imprisonment that is greater  
15          than one year, for the failure of a sex offender to comply  
16          with the requirements of this Act.

17          **SEC. 104. INFORMATION REQUIRED IN REGISTRATION.**

18          (a) **PROVIDED BY THE OFFENDER.**—The sex of-  
19          fender must provide the following information to the ap-  
20          propriate official for inclusion in the sex offender registry:

21                  (1) The name of the sex offender (including any  
22                  alias used by the individual).

23                  (2) The Social Security number of the sex of-  
24          fender.

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

3           (4) The place where the sex offender is em-  
4           ployed or will be employed.

5           (5) The place where the sex offender is a stu-  
6           dent or will be a student.

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

9           (7) A photograph of the sex offender.

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

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

18          (10) Any other information required by the At-  
19          torney General.

20          (b) PROVIDED BY THE JURISDICTION.—The jurisdic-  
21          tion in which the sex offender registers shall include the  
22          following information in the registry for that sex offender:

23                 (1) A statement of the facts of the offense giv-  
24                 ing rise to the requirement to register under this  
25                 Act.





1 **SEC. 109. NATIONAL SEX OFFENDER REGISTRY.**

2       The Attorney General shall maintain a national data-  
3 base at the Federal Bureau of Investigation for each sex  
4 offender and other person required to register in a juris-  
5 diction's sex offender registry. The database shall be  
6 known as the National Sex Offender Registry.

7 **SEC. 110. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC**  
8 **WEBSITE.**

9       (a) **ESTABLISHMENT.**—There is established the Dru  
10 Sjodin National Sex Offender Public Website (hereinafter  
11 referred to as the “Website”).

12       (b) **INFORMATION TO BE PROVIDED.**—The Attorney  
13 General shall maintain the Website as a site on the Inter-  
14 net which allows the public to obtain relevant information  
15 for each sex offender by a single query in a form estab-  
16 lished by the Attorney General.

17       (c) **ELECTRONIC FORWARDING.**—The Attorney Gen-  
18 eral shall ensure (through the National Sex Offender Reg-  
19 istry or otherwise) that updated information about a sex  
20 offender is immediately transmitted by electronic for-  
21 warding to all relevant jurisdictions, unless the Attorney  
22 General determines that each jurisdiction has so modified  
23 its sex offender registry and notification program that  
24 there is no longer a need for the Attorney General to do.

1 **SEC. 111. PUBLIC ACCESS TO SEX OFFENDER INFORMA-**  
2 **TION THROUGH THE INTERNET.**

3 Each jurisdiction shall make available on the Internet  
4 all information about each sex offender in the registry, ex-  
5 cept for the offender's Social Security number, the identity  
6 of any victim, and any other information exempted from  
7 disclosure by the Attorney General. The jurisdiction shall  
8 provide this information in a manner that is readily acces-  
9 sible to the public.

10 **SEC. 112. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE**  
11 **ZAPP COMMUNITY NOTIFICATION PROGRAM.**

12 (a) ESTABLISHMENT OF PROGRAM.—There is estab-  
13 lished the Megan Nicole Kanka and Alexandra Nicole  
14 Zapp Community Program (hereinafter in this section re-  
15 ferred to as the “Program”).

16 (b) NOTIFICATION.—In the Program, as soon as pos-  
17 sible, and in any case not later than 5 days after a sex  
18 offender registers or updates a registration, an appro-  
19 priate official in the jurisdiction shall provide the informa-  
20 tion in the registry (other than information exempted from  
21 disclosure by the Attorney General) about that offender  
22 to the following:

23 (1) The Attorney General, who shall include  
24 that information in the National Sex Offender Reg-  
25 istry.

1           (2) Appropriate law enforcement agencies (in-  
2           cluding probation agencies, if appropriate), and each  
3           school and public housing agency, in each area in  
4           which the individual resides, is employed, or is a stu-  
5           dent.

6           (3) Each jurisdiction from or to which a change  
7           of residence, work, or student status occurs.

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

12          (5) Social service entities responsible for pro-  
13          tecting minors in the child welfare system.

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

17 **SEC. 113. ACTIONS TO BE TAKEN WHEN SEX OFFENDER**  
18 **FAILS TO COMPLY.**

19          An appropriate official shall notify the Attorney Gen-  
20          eral and appropriate State and local law enforcement  
21          agencies of any failure by a sex offender to comply with  
22          the requirements of a registry. The appropriate official,  
23          the Attorney General, and each such State and local law  
24          enforcement agency shall take any appropriate action to en-  
25          sure compliance.

1 **SEC. 114. IMMUNITY FOR GOOD FAITH CONDUCT.**

2 Law enforcement agencies, employees of law enforce-  
3 ment agencies and independent contractors acting at the  
4 direction of such agencies, and officials of jurisdictions  
5 and other political subdivisions shall not be civilly or crimi-  
6 nally liable for good faith conduct under this Act.

7 **SEC. 115. DEVELOPMENT AND AVAILABILITY OF REGISTRY**  
8 **MANAGEMENT SOFTWARE.**

9 The Attorney General shall develop and support soft-  
10 ware for use to establish, maintain, publish, and share sex  
11 offender registries.

12 **SEC. 116. FEDERAL DUTY WHEN STATE PROGRAMS NOT**  
13 **MINIMALLY SUFFICIENT.**

14 If the Attorney General determines that a jurisdiction  
15 does not have a minimally sufficient sex offender registra-  
16 tion program, the Department of Justice shall, to the ex-  
17 tent practicable, carry out the duties imposed on that ju-  
18 risdiction by this Act.

19 **SEC. 117. PERIOD FOR IMPLEMENTATION BY JURISDIC-**  
20 **TIONS.**

21 Each jurisdiction shall implement this Act not later  
22 than 2 years after the date of the enactment of this Act.  
23 However, the Attorney General may authorize a one-year  
24 extension of the deadline.

1 **SEC. 118. FAILURE TO COMPLY.**

2 (a) IN GENERAL.—For any fiscal year after the end  
3 of the period for implementation, a jurisdiction that fails  
4 to implement this Act shall not receive 10 percent of the  
5 funds that would otherwise be allocated for that fiscal year  
6 to the jurisdiction under each of the following programs:

7 (1) BYRNE.—Subpart 1 of part E of title I of  
8 the Omnibus Crime Control and Safe Streets Act of  
9 1968 (42 U.S.C. 3750 et seq.), whether character-  
10 ized as the Edward Byrne Memorial State and Local  
11 Law Enforcement Assistance Programs, the Edward  
12 Byrne Memorial Justice Assistance Grant Program,  
13 or otherwise.

14 (2) LLEBG.—The Local Government Law En-  
15 forcement Block Grants program.

16 (b) REALLOCATION.—Amounts not allocated under a  
17 program referred to in paragraph (1) to a jurisdiction for  
18 failure to fully implement this Act shall be reallocated  
19 under that program to jurisdictions that have not failed  
20 to implement this Act.

21 **SEC. 119. SEX OFFENDER MANAGEMENT ASSISTANCE**  
22 **(SOMA) PROGRAM.**

23 (a) IN GENERAL.—The Attorney General shall estab-  
24 lish and implement a Sex Offender Management Assist-  
25 ance program (in this Act referred to as the “SOMA pro-  
26 gram”) under which the Attorney General may award a

1 grant to a jurisdiction to offset the costs of implementing  
2 this Act.

3 (b) APPLICATION.—The chief executive of a jurisdic-  
4 tion shall, on an annual basis, submit to the Attorney Gen-  
5 eral an application in such form and containing such infor-  
6 mation as the Attorney General may require.

7 (c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—  
8 A jurisdiction that, as determined by the Attorney Gen-  
9 eral, has implemented this Act not later than two years  
10 after the date of the enactment of this Act is eligible for  
11 a bonus payment. Such payment shall be made under the  
12 SOMA program for the first fiscal year beginning after  
13 that determination. The amount of the payment shall be—

14 (1) 10 percent of the total received by the juris-  
15 diction under the SOMA program for the preceding  
16 fiscal year, if implementation is not later than one  
17 year after the date of enactment of this Act; and

18 (2) 5 percent of such total, if not later than two  
19 years after that date.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
21 tion to any amounts otherwise authorized to be appro-  
22 priated, there are authorized to be appropriated such sums  
23 as may be necessary to the Attorney General, to be avail-  
24 able only for the SOMA program, for fiscal years 2006  
25 through 2008.

1 **SEC. 120. DEMONSTRATION PROJECT FOR USE OF ELEC-**  
2 **TRONIC MONITORING DEVICES.**

3 (a) **PROJECT REQUIRED.**—The Attorney General  
4 shall carry out a demonstration project under which the  
5 Attorney General makes grants to jurisdictions to dem-  
6 onstrate the extent to which electronic monitoring devices  
7 can be used effectively in a sex offender management pro-  
8 gram.

9 (b) **USE OF FUNDS.**—The jurisdiction may use grant  
10 amounts under this section directly, or through arrange-  
11 ments with public or private entities, to carry out pro-  
12 grams under which the whereabouts of sex offenders are  
13 monitored by electronic monitoring devices.

14 (c) **PARTICIPANTS.**—Not more than 10 jurisdictions  
15 may participate in the demonstration project at any one  
16 time.

17 (d) **FACTORS.**—In selecting jurisdictions to partici-  
18 pate in the demonstration project, the Attorney General  
19 shall consider the following factors:

20 (1) The total number of sex offenders in the ju-  
21 risdiction.

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

24 (3) The threat to public safety posed by those  
25 sex offenders who fail to comply with registration re-  
26 quirements.

1           (4) Any other factor the Attorney General con-  
2           siders appropriate.

3           (e) DURATION.—The Attorney General shall carry  
4           out the demonstration project for fiscal years 2007, 2008,  
5           and 2009.

6           (f) REPORTS.—The Attorney General shall submit to  
7           Congress an annual report on the demonstration project.  
8           Each such report shall describe the activities carried out  
9           by each participant, assess the effectiveness of those ac-  
10          tivities, and contain any other information or rec-  
11          ommendations that the Attorney General considers appro-  
12          priate.

13          (g) AUTHORIZATION OF APPROPRIATIONS.—There  
14          are authorized to be appropriated to carry out this section  
15          such sums as may be necessary.

16          **SEC. 121. NATIONAL CENTER FOR MISSING AND EXPLOITED**  
17                                   **CHILDREN ACCESS TO INTERSTATE IDENTI-**  
18                                   **FICATION INDEX.**

19          (a) IN GENERAL.—Notwithstanding any other provi-  
20          sion of law, the Attorney General shall ensure that the  
21          National Center for Missing and Exploited Children has  
22          access to the Interstate Identification Index, to be used  
23          by the Center only within the scope of its duties and re-  
24          sponsibilities under Federal law. The access provided  
25          under this section shall be authorized only to personnel

1 of the Center that have met all the requirements for ac-  
2 cess, including training, certification, and background  
3 screening.

4 (b) IMMUNITY.—Personnel of the Center shall not be  
5 civilly or criminally liable for any use or misuse of infor-  
6 mation in the Interstate Identification Index if in good  
7 faith.

8 **SEC. 122. LIMITED IMMUNITY FOR NATIONAL CENTER FOR**  
9 **MISSING AND EXPLOITED CHILDREN WITH**  
10 **RESPECT TO CYBERTIPLINE.**

11 Section 227 of the Victims of Child Abuse Act of  
12 1990 (42 U.S.C. 13032) is amended by adding at the end  
13 the following new subsection:

14 “(g) LIMITATION ON LIABILITY.—

15 “(1) IN GENERAL.—Except as provided in para-  
16 graphs (2) and (3), the National Center for Missing  
17 and Exploited Children, including any of its direc-  
18 tors, officers, employees, or agents, is not liable in  
19 any civil or criminal action for damages directly re-  
20 lated to the performance of its CyberTipline respon-  
21 sibilities and functions as defined by this section.

22 “(2) INTENTIONAL, RECKLESS, OR OTHER MIS-  
23 CONDUCT.—Paragraph (1) does not apply in an ac-  
24 tion in which a party proves that the National Cen-  
25 ter for Missing and Exploited Children, or its offi-

1 cer, employee, or agent as the case may be, engaged  
 2 in intentional misconduct or acted, or failed to act,  
 3 with actual malice, with reckless disregard to a sub-  
 4 stantial risk of causing injury without legal justifica-  
 5 tion, or for a purpose unrelated to the performance  
 6 of responsibilities or functions under this section.

7 “(3) ORDINARY BUSINESS ACTIVITIES.—Para-  
 8 graph (1) does not apply to an act or omission re-  
 9 lated to an ordinary business activity, such as an ac-  
 10 tivity involving general administration or operations,  
 11 the use of motor vehicles, or personnel manage-  
 12 ment.”.

13 **TITLE II—CRIMINAL LAW EN-**  
 14 **FORCEMENT OF REGISTRA-**  
 15 **TION REQUIREMENTS**

16 **SEC. 201. AMENDMENTS TO TITLE 18, UNITED STATES**  
 17 **CODE, RELATING TO SEX OFFENDER REG-**  
 18 **ISTRATION.**

19 (a) CRIMINAL PENALTIES FOR NONREGISTRATION.—  
 20 Part I of title 18, United States Code, is amended by in-  
 21 serting after chapter 109A the following:

22 **“CHAPTER 109B—SEX OFFENDER AND**  
 23 **CRIMES AGAINST CHILDREN REGISTRY**

“2250. Failure to register.

1 **“§ 2250. Failure to register**

2 “Whoever receives a notice from an official that such  
3 person is required to register under the Sex Offender Reg-  
4 istration and Notification Act and—

5 “(1) is a sex offender as defined for the pur-  
6 poses of that Act by reason of a conviction under  
7 Federal law; or

8 “(2) thereafter travels in interstate or foreign  
9 commerce, or enters or leaves Indian country;  
10 and knowingly fails to register as required shall be fined  
11 under this title and imprisoned not less than 5 years nor  
12 more than 20 years.”.

13 (b) CLERICAL AMENDMENT.—The table of chapters  
14 for part I of title 18, United States Code, is amended by  
15 inserting after the item relating to chapter 109A the fol-  
16 lowing new item:

**“109B. Sexual offender and crimes against children reg-  
istry ..... 2250”.**

17 (c) FALSE STATEMENT OFFENSE.—Section 1001(a)  
18 of title 18, United States Code, is amended by adding at  
19 the end the following: “If the matter relates to an offense  
20 under chapter 109A, 109B, 110, or 117, then the term  
21 of imprisonment imposed under this section shall be not  
22 less than 5 years nor more than 20 years.”.

1 (d) PROBATION.—Paragraph (8) of section 3563(a)  
2 of title 18, United States Code, is amended to read as  
3 follows:

4 “(8) for a person required to register under the  
5 Sex Offender Registration and Notification Act, that  
6 the person comply with the requirements of that  
7 Act; and”.

8 (e) SUPERVISED RELEASE.—Section 3583 of title 18,  
9 United States Code, is amended—

10 (1) in subsection (d), in the sentence beginning  
11 with “The court shall order, as an explicit condition  
12 of supervised release for a person described in sec-  
13 tion 4042(c)(4)”, by striking “described in section  
14 4042(c)(4)” and all that follows through the end of  
15 the sentence and inserting “required to register  
16 under the Sex Offender Registration and Notifica-  
17 tion Act that the person comply with the require-  
18 ments of that Act.”.

19 (2) in subsection (k)—

20 (A) by striking “2244(a)(1), 2242(a)(2)”  
21 and inserting “2243, 2244, 2245, 2250”;

22 (B) by inserting “not less than 5,” after  
23 “any term of years”; and

24 (C) by adding at the end the following: “If  
25 a defendant required to register under the Sex

1           Offender Registration and Notification Act vio-  
2           lates the requirements of that Act or commits  
3           any criminal offense for which imprisonment for  
4           a term longer than one year can be imposed,  
5           the court shall revoke the term of supervised re-  
6           lease and require the defendant to serve a term  
7           of imprisonment under subsection (e)(3) with-  
8           out regard to the exception contained therein.  
9           Such term shall be not less than 5 years, and  
10          if the offense was an offense under chapter  
11          109A, 109B, 110, or 117, not less than 10  
12          years.”.

13          (f) DUTIES OF BUREAU OF PRISONS.—Paragraph  
14          (3) of section 4042(c) of title 18, United States Code, is  
15          amended to read as follows:

16                 “(3) The Director of the Bureau of Prisons  
17                 shall inform a person who is released from prison  
18                 and required to register under the Sex Offender  
19                 Registration and Notification Act of the require-  
20                 ments of that Act as they apply to that person and  
21                 the same information shall be provided to a person  
22                 sentenced to probation by the probation officer re-  
23                 sponsible for supervision of that person.”.

24          (g) CONFORMING AMENDMENT OF CROSS REF-  
25          ERENCE.—Paragraph (1) of section 4042(c) of title 18,

1 United States Code, is amended by striking “(4)” and in-  
2 serting “(3)”.

3 (h) CONFORMING REPEAL OF DEADWOOD.—Para-  
4 graph (4) of section 4042(c) of title 18, United States  
5 Code, is repealed.

6 **SEC. 202. INVESTIGATION BY UNITED STATES MARSHALS**  
7 **OF SEX OFFENDER VIOLATIONS OF REG-**  
8 **ISTRATION REQUIREMENTS.**

9 (a) IN GENERAL.—The Attorney General shall use  
10 the authority provided in section 566(e)(1)(B) of title 28,  
11 United States Code, to assist States and other jurisdic-  
12 tions in locating and apprehending sex offenders who vio-  
13 late sex offender registration requirements.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There  
15 are authorized to be appropriated such sums as may be  
16 necessary for fiscal years 2006 through 2008 to implement  
17 this section.

18 **SEC. 203. SEX OFFENDER APPREHENSION GRANTS.**

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

1       **“PART JJ—SEX OFFENDER APPREHENSION**

2                               **GRANTS**

3       **“SEC. 3011. AUTHORITY TO MAKE SEX OFFENDER APPRE-**  
4                               **HENSION GRANTS.**

5               “(a) IN GENERAL.—From amounts made available to  
6 carry out this part, the Attorney General may make grants  
7 to States, units of local government, Indian tribal govern-  
8 ments, other public and private entities, and multi-juris-  
9 dictional or regional consortia thereof for activities speci-  
10 fied in subsection (b).

11              “(b) COVERED ACTIVITIES.—An activity referred to  
12 in subsection (a) is any program, project, or other activity  
13 to assist a State in enforcing sex offender registration re-  
14 quirements.

15       **“SEC. 3012. AUTHORIZATION OF APPROPRIATIONS.**

16              “There are authorized to be appropriated such sums  
17 as may be necessary for fiscal years 2006 through 2008  
18 to carry out this part.”.

19       **SEC. 204. USE OF ANY CONTROLLED SUBSTANCE TO FA-**  
20                               **CILITATE SEX OFFENSE.**

21              (a) INCREASED PUNISHMENT.—Chapter 109A of  
22 title 18, United States Code, is amended by adding at the  
23 end the following:

1 **“§ 2249. Use of any controlled substance to facilitate**  
 2 **sex offense**

3 “(a) Whoever, knowingly uses a controlled substance  
 4 to substantially impair the ability of a person to appraise  
 5 or control conduct, in order to commit a sex offense, other  
 6 than an offense where such use is an element of the of-  
 7 fense, shall, in addition to the punishment provided for  
 8 the sex offense, be imprisoned for any term of years not  
 9 less than 10, or for life.

10 “(b) As used in this section, the term ‘sex offense’  
 11 means an offense under this chapter other than an offense  
 12 under this section.”.

13 (b) AMENDMENT TO TABLE.—The table of sections  
 14 at the beginning of chapter 109A of title 18, United States  
 15 Code, is amended by adding at the end the following new  
 16 item:

“2249. Use of any controlled substance to facilitate sex offense.”.

17 **SEC. 205. REPEAL OF PREDECESSOR SEX OFFENDER PRO-**  
 18 **GRAM.**

19 Sections 170101 (42 U.S.C. 14071) and 170102 (42  
 20 U.S.C. 14072) of the Violent Crime Control and Law En-  
 21 forcement Act of 1994, and section 8 of the Pam Lychner  
 22 Sexual Offender Tracking and Identification Act of 1996  
 23 (42 U.S.C. 14073), are repealed.

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