

109TH CONGRESS
1ST SESSION

S. 1220

To assist law enforcement in their efforts to recover missing children and to strengthen the standards for State sex offender registration programs.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2005

Mr. DODD (for himself, Ms. COLLINS, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To assist law enforcement in their efforts to recover missing children and to strengthen the standards for State sex offender registration programs.

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 “Prevention and Recov-
5 ery of Missing Children Act of 2005”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) An improved registration system for sex of-
9 fenders and others who commit predatory acts

1 against children will provide law enforcement agen-
2 cies with additional information critical to pre-
3 venting and promptly resolving such crimes.

4 (2) The most recent annual data shows that
5 about 58,000 children were abducted by nonfamily
6 members, usually people who are strangers to the
7 children. The most frequent victims were teenage
8 girls. Almost 1/2 of these victims were sexually mo-
9 lested.

10 (3) The National Crime Information Center
11 (NCIC) database, which links more than 16,000
12 Federal, State, and local law enforcement agencies,
13 is a critical means of cooperation among law en-
14 forcement agencies.

15 (4) Delays in entering missing children reports
16 into the NCIC database leads to investigative delays
17 when time is critical to ensuring the safe return of
18 missing children, as evidenced by the fact that in 74
19 percent of abduction homicide cases the child is dead
20 within the first 3 hours and 91 percent are killed
21 within 24 hours.

22 **SEC. 3. MISSING CHILD REPORTING REQUIREMENTS.**

23 (a) IN GENERAL.—Section 3702 of the Crime Con-
24 trol Act of 1990 (42 U.S.C. 5780) is amended—

1 (1) by redesignating paragraphs (2) and (3) as
 2 paragraphs (3) and (4), respectively;

3 (2) by inserting after paragraph (1) the fol-
 4 lowing:

5 “(2) ensure that no law enforcement agency
 6 within the State establishes or maintains any policy
 7 that requires the removal of a missing person entry
 8 from its State law enforcement system or the Na-
 9 tional Crime Information Center computer network
 10 based solely on the age of the person;”; and

11 (3) in paragraph (3), as so redesignated, by
 12 striking “immediately” and inserting “within 2
 13 hours of receipt”.

14 **SEC. 4. STANDARDS FOR SEX OFFENDER REGISTRATION**
 15 **PROGRAMS.**

16 (a) IN GENERAL.—Section 170101 of the Violent
 17 Crime Control and Law Enforcement Act of 1994 (42
 18 U.S.C. 14071) is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1)(A)—

21 (i) by striking clause (i), and inserting
 22 the following:

23 “(i) inform the person of the duty to
 24 register and obtain the information re-
 25 quired for such registration, including the

1 person's name, current address, antici-
 2 pated future residence, employer name and
 3 address, license plate number and other
 4 identifying information about each vehicle
 5 that the person owns, and student enroll-
 6 ment information;”;

7 (ii) by striking clause (iv) and insert-
 8 ing the following:

9 “(iv) obtain fingerprints, a photo-
 10 graph, and a deoxyribonucleic acid (DNA)
 11 sample, unless they were obtained within
 12 the previous 3 months;”;

13 (iii) in clause (v), by striking the pe-
 14 riod at the end and inserting the following:
 15 “; and”; and

16 (iv) by adding at the end the fol-
 17 lowing:

18 “(vi) for persons who are incarcer-
 19 ated, perform each of the duties under
 20 clauses (i) through (v) prior to the release
 21 of that person from incarceration.”;

22 (B) in paragraph (2)(A), in the second
 23 sentence, by inserting “registration information
 24 for persons intending to move to another State
 25 is promptly made available to the registering

1 agency of that State, and that” after “State
2 procedures shall also ensure that”;

3 (C) by striking paragraph (3) and insert-
4 ing the following:

5 “(3) VERIFICATION.—For all persons required
6 to register under this section, State procedures shall
7 provide for verification of registry information at
8 least once every 90 days.”;

9 (D) by striking paragraph (4) and insert-
10 ing the following:

11 “(4) NOTIFICATION OF LOCAL LAW ENFORCE-
12 MENT AGENCIES OF CHANGES IN REGISTRY INFOR-
13 MATION.—State procedures shall provide that all
14 persons required to register under this section shall
15 report a change of name, address, employer name
16 and address, vehicle information, and student enroll-
17 ment information to a law enforcement agency that
18 has jurisdiction where the person will reside, not
19 later than 2 business days after such change takes
20 effect.”; and

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

22 “(8) CURRENT PHOTOGRAPH.—State proce-
23 dures shall provide for local law enforcement to ob-
24 tain a photograph for all persons required to register
25 under this section—

1 “(A) at the initial registration of the per-
2 son; and

3 “(B) at least once a year from the time of
4 verification of the registry information of that
5 person, throughout the term of registration.

6 “(9) DRIVER’S LICENSE OR IDENTIFICATION
7 CARD.—State procedures shall require that all per-
8 sons required to register under this section obtain,
9 at the time of initial registration, a driver’s license
10 or identification card from the State Department of
11 Motor Vehicles in the State in which that person re-
12 sides.”; and

13 (2) in subsection (d)—

14 (A) by striking “A” and inserting the fol-
15 lowing:

16 “(1) IN GENERAL.—A”; and

17 (B) by adding at the end the following:

18 “(2) FELONY.—States shall designate a failure
19 to comply with the registration and verification re-
20 quirements of this section as a felony and permit
21 such failure to be grounds for the immediate
22 issuance of an arrest warrant.

23 “(3) CONSIDERATIONS.—States shall consider a
24 failure to comply with the registration and
25 verification requirements of this section as an ongo-

1 ing offense for the purpose of statutes of limitation,
2 and shall consider a failure to register each item of
3 changed registry information as a separate offense.”.

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