110TH CONGRESS 2D SESSION

H. R. 6167

To amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children.

IN THE HOUSE OF REPRESENTATIVES

June 3, 2008

Mr. Keller of Florida (for himself and Mr. Scalise) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, 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 amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children.

- 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 Deter-
- 5 rence of Crimes Against Children Act of 2008".

SEC. 2. INCREASED PENALTIES FOR CHILD PORNOGRAPHY 2 OFFENSES. 3 (a) In General.—Section 2251(e) of title 18, 4 United States Code, is amended— (1) by striking "15 years nor more than 30 5 6 years" and inserting "20 years or for life"; and 7 (2) by striking "not less than 25 years nor 8 more than 50 years," and all that follows through "not less than 35 years nor more than". 9 10 (b) OTHER OFFENSES.—Sections 2252(b) 2252A(b) of title 18, United States Code, are each amend-11 12 ed— 13 (1) in paragraph (1)— (A) by striking "5 years and not more 14 15 than 20 years" and inserting "15 years or for life"; and 16 (B) by striking "not less than 15 years nor 17 18 more than 40 years." and inserting "life."; and 19 (2) in paragraph (2)— 20 (A) by striking "or imprisoned not more 21 than 10 years, or both" and inserting "and im-22 prisoned for not less than 3 years nor more 23 than 20 years"; (B) by inserting "section 1591," after 24 "this chapter,"; and 25

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(C) by striking "10 years nor more than
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             20 years." and inserting "20 years or for life.".
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        (c) Domain Names.—Section 2252B(b) of title 18,
   United States Code, is amended by striking "10 years"
 4
   and inserting "20 years".
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        (d) Transportation of Minors.—Section 2423(f)
   of title 18, United States Code, is amended—
             (1) by striking "means (1) a" and inserting the
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 9
        following: "means—
             "(1) a";
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             (2) by striking "; or (2) any" and inserting the
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        following: ";
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             "(2) any";
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             (3) by striking the period at the end and insert-
        ing "; or"; and
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             (4) by adding at the end the following:
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             "(3) production of child pornography, as that
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        term is defined in section 2256(8).".
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   SEC. 3. INCREASED PENALTIES FOR CHILD SEX TRAF-
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                FICKING AND CHILD PROSTITUTION OF-
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                FENSES.
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        (a) IN GENERAL.—Section 1591(b) of title 18,
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    United States Code, is amended—
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             (1) in paragraph (1), by striking "not less than
        15" and inserting "not less than 30"; and
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(2) in paragraph (2), by striking "not less than 1 2 10" and inserting "not less than 15". 3 (b) Coercion.—Section 2422 of title 18, United States Code, is amended— 4 (1) in subsection (a), by striking "20 years" 5 and inserting "30 years"; and 6 (2) in subsection (b), by striking "10 years" 7 8 and inserting "15 years". 9 (c) Transportation of Minors.—Section 2423 of title 18, United States Code, is amended— 10 11 (1) in subsection (a), by striking "10 years" 12 and inserting "15 years"; (2) in subsections (b) and (c), by striking "or 13 14 imprisoned not more than 30 years, or both." and 15 inserting "and imprisoned for not less than 10 years (unless the offense is based only on conduct that 16 17 would be in violation of sections 2243 or 2244) nor 18 more than 30 years."; and 19 (3) in subsection (d), by striking ", imprisoned not more than 30 years, or both" and inserting "and 20 21 imprisoned for not less than 10 years nor more than 22 30 years". 23 (d) General Provisions.—Section 1594(a) of title 18, United States Code, is amended by inserting "or conspires" after "attempts".

- 1 (e) Release and Detention.—Section
- 2 3156(a)(4)(C) of title 18, United States Code, is amended
- 3 by inserting ", or section 1591" after "117".
- 4 (f) Subpoends.—Section 3486(a)(1)(D) of title 18,
- 5 United States Code, is amended by inserting "1591,"
- 6 after "1201,".
- 7 SEC. 4. INCREASED PENALTIES FOR CHILD SEX OFFENSES
- 8 RESULTING IN DEATH, REPEATED CHILD SEX
- 9 CRIMES, AND FORCIBLE RAPE.
- 10 (a) IN GENERAL.—Section 2245 of title 18, United
- 11 States Code, is amended by adding at the end the fol-
- 12 lowing:
- 13 "(b) Offenses Involving Children.—A person
- 14 who, in the course of an offense under this chapter, chap-
- 15 ter 110, chapter 117, or section 1591 engages in conduct
- 16 that results in the death of a person who has not attained
- 17 the age of 18 years, shall be punished by death or impris-
- 18 oned for not less than 30 years or for life.".
- 19 (b) Classification of Offenses.—Section
- 20 3559(e)(2)(A) of title 18, United States Code, is amended
- 21 by striking "2423(a)" and inserting "2423".
- 22 (c) Repeat Offenders.—Section 2426(b)(1)(A) of
- 23 title 18, United States Code, is amended—
- 24 (1) by striking "or" the first place it appears;
- 25 and

1	(2) by inserting before the semicolon ", or sec-
2	tion 1591".
3	(d) Sexual Abuse.—Section 2241 of title 18,
4	United States Code, is amended—
5	(1) in subsection (a), by striking ", imprisoned
6	for any term of years or life, or both" and inserting
7	"and imprisoned for any term of years not less than
8	10 or for life"; and
9	(2) in subsection (b), by striking ", imprisoned
10	for any term of years or life, or both" and inserting
11	"and imprisoned for any term of years not less than
12	5 or for life".
13	SEC. 5. SEX TOURISM AND REMOVAL OF SEX OFFENDERS.
13 14	SEC. 5. SEX TOURISM AND REMOVAL OF SEX OFFENDERS. (a) IN GENERAL.—The Attorney General shall no-
14	(a) In General.—The Attorney General shall no-
14 15	(a) IN GENERAL.—The Attorney General shall notify—
14 15 16	(a) In General.—The Attorney General shall notify— (1) the Secretary of State in a timely manner
14 15 16 17	(a) IN GENERAL.—The Attorney General shall notify—(1) the Secretary of State in a timely manner regarding any conviction of an individual of a violation.
14 15 16 17	 (a) IN GENERAL.—The Attorney General shall notify— (1) the Secretary of State in a timely manner regarding any conviction of an individual of a violation of section 2423 of title 18, United States Code,
14 15 16 17 18	 (a) IN GENERAL.—The Attorney General shall notify— (1) the Secretary of State in a timely manner regarding any conviction of an individual of a violation of section 2423 of title 18, United States Code, for appropriate action under subsection (b) of this
14 15 16 17 18 19 20	 (a) IN GENERAL.—The Attorney General shall notify— (1) the Secretary of State in a timely manner regarding any conviction of an individual of a violation of section 2423 of title 18, United States Code, for appropriate action under subsection (b) of this section; and
14 15 16 17 18 19 20	(a) In General.—The Attorney General shall notify— (1) the Secretary of State in a timely manner regarding any conviction of an individual of a violation of section 2423 of title 18, United States Code, for appropriate action under subsection (b) of this section; and (2) the Secretary of Homeland Security in a

1	(b) AUTHORITY TO RESTRICT PASSPORT.—The Sec-
2	retary of State—
3	(1) shall refuse to issue a passport to an indi-
4	vidual if the Secretary receives a notice under sub-
5	section (a) that such individual was convicted of a
6	violation of section 2423 of title 18, United States
7	Code; and
8	(2) may revoke, restrict, or limit a passport
9	issued to an individual convicted of a violation of
10	section 2423 of title 18, United States Code, if the
11	passport was used in furtherance of that violation.
12	(c) Removal of Aliens.—The Secretary of Home-
13	land Security shall place an alien convicted of a sex offense
14	in removal proceedings under section 240 of the Immigra-
15	tion and Nationality Act (8 U.S.C. 1229a).
16	(d) Grounds of Inadmissibility and Remov-
17	ABILITY.—
18	(1) In general.—Section 212(a)(2) of the Im-
19	migration and Nationality Act (8 U.S.C. 1182(a)(2))
20	is amended by adding at the end the following:
21	"(J) SEXUAL ABUSE OF A MINOR.—
22	"(i) In general.—An alien who is
23	convicted of sexual abuse of a minor is in-
24	admissible.

1 "(ii) Sex offenses.—For purposes 2 of this subparagraph, an alien who has 3 been convicted of a sex offense (as that 4 term is defined in section 111 of the Adam Walsh Child Protection and Safety Act of 6 2006 (42 U.S.C. 16911)) shall be consid-7 ered to have been convicted of sexual abuse 8 of a minor. An alien convicted of a sex of-9 fense shall be ineligible for any discre-10 tionary relief under this Act.".

- 11 (2)DEPORTABLE ALIENS.—Section 12 237(a)(2)(A)(iii) of the Immigration and Nationality 13 Act (8 U.S.C. 1227(a)(2)(A)(iii)) is amended by 14 adding at the end the following "For purposes of 15 this clause, an alien who has been convicted of a sex 16 offense (as that term is defined in section 111 of the 17 Adam Walsh Child Protection and Safety Act of 18 2006 (42 U.S.C. 16911)) shall be considered to have 19 been convicted of sexual abuse of a minor.".
- 20 (e) DEFINITION OF SEX OFFENSE.—In this section, 21 the term "sex offense" has the meaning given that term 22 in section 111 of the Adam Walsh Child Protection and 23 Safety Act of 2006 (42 U.S.C. 16911).