

110TH CONGRESS
1ST SESSION

S. 431

To require convicted sex offenders to register online identifiers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 30, 2007

Mr. SCHUMER (for himself and Mr. MCCAIN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To require convicted sex offenders to register online identifiers, 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 “Keeping the Internet
5 Devoid of Sexual Predators Act of 2007” or the “KIDS
6 Act of 2007”.

1 **SEC. 2. REGISTRATION OF ONLINE IDENTIFIERS OF SEX**
 2 **OFFENDERS.**

3 (a) IN GENERAL.—Section 114(a) of the Sex Of-
 4 fender Registration and Notification Act (42 U.S.C.
 5 16914(a)) is amended—

6 (1) by redesignating paragraphs (4) through
 7 (7) as paragraphs (5) through (8); and

8 (2) by inserting after paragraph (3) the fol-
 9 lowing:

10 “(4) Any electronic mail address, instant mes-
 11 sage address, or other similar Internet identifier the
 12 sex offender used or will use to communicate over
 13 the Internet.”.

14 (b) UPDATING OF INFORMATION.—Section 113(c) of
 15 the Sex Offender Registration and Notification Act (42
 16 U.S.C. 16913(c)) is amended by inserting “and before any
 17 use of an electronic mail address, instant message address,
 18 or other similar Internet identifier not provided under sub-
 19 section (b) by the sex offender to communicate over the
 20 Internet,” after “or student status,”.

21 (c) FAILURE TO REGISTER ONLINE IDENTIFIERS.—
 22 Section 2250 of title 18, United States Code, is amend-
 23 ed—

24 (1) in subsection (b), by inserting “or (d)” after
 25 “subsection (a)”; and

26 (2) by adding at the end the following:

1 “(d) FAILURE TO REGISTER ONLINE IDENTIFI-
 2 FIERS.—

3 “(1) IN GENERAL.—It shall be unlawful for any
 4 person who is required to register under the Sex Of-
 5 fender Registration and Notification Act (42 U.S.C.
 6 16901 et seq.) to fail to provide an electronic mail
 7 address, instant message address, or other similar
 8 Internet identifier used by that person to commu-
 9 nicate over the Internet to the appropriate official
 10 for inclusion in the sex offender registry, as required
 11 under that Act.

12 “(2) PENALTY.—Any person who violates para-
 13 graph (1) shall be fined under this title, imprisoned
 14 not more than 10 years, or both.”.

15 **SEC. 3. RELEASE OF ELECTRONIC MAIL ADDRESSES, IN-**
 16 **STANT MESSAGE ADDRESSES, OR OTHER**
 17 **SIMILAR INTERNET IDENTIFIERS.**

18 (a) PUBLIC ACCESS.—Section 118(b) of the Sex Of-
 19 fender Registration and Notification Act (42 U.S.C.
 20 16918(b)) is amended—

21 (1) in paragraph (3), by striking “and” at the
 22 end;

23 (2) by redesignating paragraph (4) as para-
 24 graph (5); and

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

3 “(4) any electronic mail address, instant mes-
 4 sage address, or other similar Internet identifier
 5 used by the sex offender; and”.

6 (b) NATIONAL REGISTRY.—Section 119 of the Sex
 7 Offender Registration and Notification Act (42 U.S.C.
 8 16919) is amended by adding at the end the following:
 9 “(c) RELEASE OF ELECTRONIC MAIL ADDRESSES,
 10 INSTANT MESSAGE ADDRESSES, OR OTHER SIMILAR
 11 INTERNET IDENTIFIERS TO COMMERCIAL SOCIAL NET-
 12 WORKING WEBSITE.—

13 “(1) IN GENERAL.—The Attorney General shall
 14 maintain a system allowing a commercial social net-
 15 working website to compare the database of reg-
 16 istered users of that commercial social networking
 17 website to the list of electronic mail addresses, in-
 18 stant message addresses, and other similar Internet
 19 identifiers of persons in the National Sex Offender
 20 Registry.

21 “(2) PROCESS FOR RELEASE OF ELECTRONIC
 22 MAIL ADDRESSES, INSTANT MESSAGE ADDRESSES,
 23 OR OTHER SIMILAR INTERNET IDENTIFIERS.—A
 24 commercial social networking website desiring to
 25 compare its database of registered users to the list

1 of electronic mail addresses, instant messages, and
2 other similar Internet identifiers of persons in the
3 National Sex Offender Registry shall provide to the
4 Attorney General—

5 “(A) the name, address, and telephone
6 number of the commercial social networking
7 website;

8 “(B) the specific legal nature and cor-
9 porate status of the commercial social net-
10 working website;

11 “(C) an affirmation signed by the chief
12 legal officer of the commercial social networking
13 website that the information obtained from that
14 database shall not be disclosed for any purpose
15 other than for comparing the database of reg-
16 istered users of that commercial social net-
17 working website against the list of electronic
18 mail addresses, instant message addresses, and
19 other similar Internet identifiers of persons in
20 the National Sex Offender Registry to protect
21 children from online sexual predators and that
22 disclosure of this information for purposes other
23 than those under this section may be unlawful;
24 and

1 “(D) the name, address, and telephone
2 number of a natural person who consents to
3 service of process for the commercial social net-
4 working website.

5 “(3) USE OF DATABASE.—After a commercial
6 social networking website has complied with para-
7 graph (2) and paid any fee established by the Attor-
8 ney General, the commercial social networking
9 website may screen new users or compare its data-
10 base of registered users to the list of electronic mail
11 addresses, instant message addresses, and other
12 similar Internet identifiers of persons in the Na-
13 tional Sex Offender Registry as frequently as the At-
14 torney General may allow for the purpose of identi-
15 fying a registered user associated with an electronic
16 mail address, instant message address, or other
17 similar Internet identifier contained in the National
18 Sex Offender Registry.

19 “(4) LIABILITY RELIEF FOR SOCIAL NET-
20 WORKING SITES USING THE REGISTRY INFORMATION
21 TO PROTECT USERS.—

22 “(A) IN GENERAL.—If a commercial social
23 networking website complies with this section, a
24 covered civil action against that commercial so-
25 cial networking website or any director, officer,

1 employee, or agent of that commercial social
2 networking website may not be brought in any
3 Federal or State court.

4 “(B) DEFINITION.—In this paragraph, the
5 term ‘covered civil action’ means a civil action
6 relating to the use of the information in the
7 National Sex Offender Registry by a commer-
8 cial social networking website to screen users or
9 compare its database of registered users for the
10 purpose of identifying a registered user associ-
11 ated with an electronic mail address, instant
12 message address, or other similar Internet iden-
13 tifier information contained in the National Sex
14 Offender Registry.

15 “(5) INTERIM PERIOD.—In any interim period
16 before the National Sex Offender Registry is imple-
17 mented, any commercial social networking website
18 shall have access to the electronic mail addresses, in-
19 stant message addresses, and other similar Internet
20 identifiers of persons required to register in a juris-
21 diction’s sex offender registry through the methods
22 set forth in paragraphs (2) and (3). Until such time
23 as the National Sex Offender Registry is imple-
24 mented, the term ‘Attorney General’ shall be re-
25 placed with ‘the jurisdiction’ and the term ‘the Na-

1 tional Sex Offender Registry’ shall be replaced with
 2 ‘a jurisdiction’s sex offender registry’ in paragraphs
 3 (2) and (3).”.

4 **SEC. 4. DEFINITIONS.**

5 Section 111 of the Sex Offender Registration and No-
 6 tification Act (42 U.S.C. 16911) is amended—

7 (1) in paragraph (7)(H), by striking the period
 8 and inserting the following: “, except that it shall
 9 not be necessary to show that the sexual conduct ac-
 10 tually occurred or to offer proof that the defendant
 11 engaged in an act, other than use of the Internet to
 12 facilitate criminal sexual conduct involving a
 13 minor.”; and

14 (2) by adding at the end the following:

15 “(15) The term ‘commercial social networking
 16 website’ means a commercially operated Internet
 17 website that—

18 “(A) allows users to create web pages or
 19 profiles that provide information about them-
 20 selves and are available publicly or to other
 21 users; and

22 “(B) offers a mechanism for communica-
 23 tion with other users, such as a forum, chat
 24 room, electronic mail, or instant messenger.

1 “(16) The term ‘chat room’ means any Internet
 2 website through which a number of users can com-
 3 municate in real time via text and that allows mes-
 4 sages to be almost immediately visible to all other
 5 users or to a designated segment of all other users.

6 “(17) The term ‘Internet’ has the meaning
 7 given that term in section 1101 of the Internet Tax
 8 Freedom Act (47 U.S.C. 151 note).

9 “(18) The term ‘electronic mail address’ has
 10 the meaning given that term in section 3 of the Con-
 11 trolling the Assault of Non-Solicited Pornography
 12 and Marketing Act of 2003 (15 U.S.C. 7702).

13 “(19) The term ‘instant message address’
 14 means an identifier that allows a person to commu-
 15 nication in real-time with another person using the
 16 Internet.”.

17 **SEC. 5. CRIMINALIZATION OF AGE MISREPRESENTATION IN**
 18 **CONNECTION WITH ONLINE SOLICITATION**
 19 **OF A MINOR.**

20 Section 2252C of title 18, United States Code, is
 21 amended—

22 (1) by redesignating subsections (c) and (d) as
 23 subsections (d) and (e), respectively; and

24 (2) by inserting after subsection (b) the fol-
 25 lowing:

1 “(c) AGE MISREPRESENTATION.—Any person 18
2 years or older who knowingly misrepresents their age with
3 the intent to use the Internet to engage in criminal sexual
4 conduct involving a minor, or to facilitate or attempt such
5 conduct, shall be fined under this title and imprisoned for
6 not more than 20 years. Such penalty shall be in addition
7 to any penalty pursuant to the laws of any jurisdiction
8 for the crime of using the Internet to engage in criminal
9 sexual conduct involving a minor, or to facilitate or at-
10 tempt such conduct.”.

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