

115TH CONGRESS  
2D SESSION

# **H. R. 6847**

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## **AN ACT**

To amend title 18, United States Code, to expand and strengthen Federal sex offenses, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, 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,*

**1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Preventing Child Exploitation Act of 2018”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

See. 1. Short title; table of contents.

**TITLE I—STRENGTHENING FEDERAL SEX OFFENSE LAWS**

See. 101. Expanding the definition of illicit sexual conduct.  
See. 102. Expanding the definition of Federal sex offense.  
See. 103. Failure of sex offenders to register.  
See. 104. Prior military offenses included for purposes of recidivist sentencing provisions.  
See. 105. Sexual exploitation of children.  
See. 106. Limited liability for certain persons when responding to search warrants or other legal process.

**TITLE II—ADAM WALSH REAUTHORIZATION ACT**

See. 201. Short title.  
See. 202. Sex offender management assistance (SOMA) program reauthorization.  
See. 203. Reauthorization of Federal assistance with respect to violations of registration requirements.  
See. 204. Duration of sex offender registration requirements for certain juveniles.  
See. 205. Public access to juvenile sex offender information.  
See. 206. Protection of local governments from State noncompliance penalty under SORNA.  
See. 207. Additional information to be included in annual report on enforcement of registration requirements.  
See. 208. Ensuring supervision of released sexually dangerous persons.  
See. 209. Tribal Access Program.  
See. 210. Alternative mechanisms for in-person verification.  
See. 211. Clarification of aggravated sexual abuse.  
See. 212. Comprehensive examination of sex offender issues.  
See. 213. Assisting States with juvenile registration.

1                   **TITLE I—STRENGTHENING**  
2                   **FEDERAL SEX OFFENSE LAWS**

3                   **SEC. 101. EXPANDING THE DEFINITION OF ILLICIT SEXUAL**  
4                   **CONDUCT.**

5                   Section 2423(f)(1) of title 18, United States Code,  
6                   is amended—

7                   (1) by striking “a sexual act (as defined in sec-  
8                   tion 2246) with” and inserting “any conduct involv-  
9                   ing”; and

10                  (2) by striking “if the sexual act” and inserting  
11                  “if the conduct”.

12                  **SEC. 102. EXPANDING THE DEFINITION OF FEDERAL SEX**  
13                  **OFFENSE.**

14                  Section 3559 of title 18, United States Code, is  
15                  amended—

16                  (1) in subsection (e)(2)(A)—

17                   (A) by inserting after “2244(a)(1)” the  
18                   following “or 2244(a)(5)”;

19                   (B) by striking the “or” before “2423(a)”;

20                   (C) by striking “into prostitution”; and

21                   (D) by inserting “or 2423(c) (relating to  
22                   illicit sexual conduct)” before the semicolon at  
23                   the end; and

24                  (2) in subsection (e)(3), by striking “or  
25                  2423(a)” and inserting “, 2423(a), or 2423(c)”.

## 1 SEC. 103. FAILURE OF SEX OFFENDERS TO REGISTER.

2 Section 2250(d) of title 18, United State Code, is  
3 amended—

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

8               “(3) DEFINITION.—In this section, the term  
9       ‘crime of violence’ has the meaning given such term  
10       in section 16.”.

11 SEC. 104. PRIOR MILITARY OFFENSES INCLUDED FOR PUR-  
12 POSES OF RECIDIVIST SENTENCING PROVI-  
13 SIONS.

14 (a) AGGRAVATED SEXUAL ABUSE.—Section 2241(c)  
15 of title 18, United States Code, is amended by inserting  
16 after “State offense” the following: “or an offense under  
17 the Uniform Code of Military Justice”.

18 (b) SEXUAL EXPLOITATION OF CHILDREN.—Section  
19 2251(e) of title 18, United States Code, is amended by  
20 striking “section 920 of title 10 (article 120 of the Uni-  
21 form Code of Military Justice), or under” each place it  
22 appears and inserting “the Uniform Code of Military Jus-  
23 tice or”.

24 (c) CERTAIN ACTIVITIES RELATING TO MATERIAL  
25 INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—

1 Section 2252 of title 18, United States Code, is amend-  
2 ed—

3 (1) in subsection (b)(1), by striking “section  
4 920 of title 10 (article 120 of the Uniform Code of  
5 Military Justice), or under” and inserting “the Uni-  
6 form Code of Military Justice or”; and

7 (2) in subsection (b)(2), by striking “section  
8 920 of title 10 (article 120 of the Uniform Code of  
9 Military Justice), or under” and inserting “the Uni-  
10 form Code of Military Justice or”.

11 (d) CERTAIN ACTIVITIES RELATING TO MATERIAL  
12 CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—

13 Section 2252A of title 18, United States Code, is amend-  
14 ed—

15 (1) in subsection (b)(1), by striking “section  
16 920 of title 10 (article 120 of the Uniform Code of  
17 Military Justice), or under” and inserting “the Uni-  
18 form Code of Military Justice or”; and

19 (2) in subsection (b)(2), by striking “section  
20 920 of title 10 (article 120 of the Uniform Code of  
21 Military Justice), or under” and inserting “the Uni-  
22 form Code of Military Justice or”.

23 (e) REPEAT OFFENDERS.—Section 2426(b)(1)(B) of  
24 title 18, United States Code, is amended by inserting after

1 “State law” the following: “or the Uniform Code of Mili-  
2 tary Justice”.

3 (f) SENTENCING CLASSIFICATION.—Section 3559 of  
4 title 18, United States Code, is amended—

5 (1) in subsection (e)(2)(B)—

6 (A) by striking “State sex offense” and in-  
7 serting “State or Military sex offense”; and

8 (B) by inserting after “under State law”  
9 the following: “or the Uniform Code of Military  
10 Justice”; and

11 (2) in subsection (e)(2)(C), by inserting after  
12 “State” the following: “or Military”.

13 **SEC. 105. SEXUAL EXPLOITATION OF CHILDREN.**

14 Section 2251 of title 18, United States Code, is  
15 amended—

16 (1) by amending subsections (a) and (b) to read  
17 as follows:

18 “(a) Any person who, in a circumstance described in  
19 subsection (f), knowingly—

20 “(1) employs, uses, persuades, induces, entices,  
21 or coerces a minor to engage in any sexually explicit  
22 conduct for the purpose of producing any visual de-  
23 piction of such conduct, or transmitting a live visual  
24 depiction of such conduct;

1           “(2) produces or causes to be produced a visual  
2           depiction of a minor engaged in any sexually explicit  
3           conduct where the production of such visual depic-  
4           tion involves the use of a minor engaging in sexually  
5           explicit conduct and such visual depiction is of such  
6           conduct;

7           “(3) transmits or causes to be transmitted a  
8           live visual depiction of a minor engaged in any sexu-  
9           ally explicit conduct;

10           “(4) has a minor assist any other person to en-  
11           gage in any sexually explicit conduct during the  
12           commission of an offense set forth in paragraphs (1)  
13           through (3) of this subsection; or

14           “(5) transports any minor in or affecting inter-  
15           state or foreign commerce with the intent that such  
16           minor be used in the production or live transmission  
17           of a visual depiction of a minor engaged in any sexu-  
18           ally explicit conduct,

19           shall be punished as provided under subsection (e).

20           “(b) Any parent, legal guardian, or person having  
21           custody or control of a minor who, in a circumstance de-  
22           scribed in subsection (f), knowingly permits such minor  
23           to engage in, or to assist any other person to engage in,  
24           sexually explicit conduct knowing that a visual depiction

1 of such conduct will be produced or transmitted shall be  
2 punished as provided under subsection (e).”;

3 (2) in subsection (c)—

4 (A) in paragraph (1)—

5 (i) by striking “employs, uses, per-  
6 suades, induces, entices, or coerces any  
7 minor to engage in, or who has a minor as-  
8 sist any other person to engage in, any  
9 sexually explicit conduct” and inserting  
10 “engages in any conduct described in para-  
11 graphs (1) through (5) of subsection (a)”;  
12 and

13 (ii) by striking “, for the purpose of  
14 producing any visual depiction of such con-  
15 duct.”;

16 (B) in paragraph (2)(A), by inserting after  
17 “transported” the following: “or transmitted”;  
18 and

19 (C) in paragraph (2)(B), by inserting after  
20 “transports” the following; “or transmits”;

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

22 “(f) The circumstances referred to in subsections (a)  
23 and (b) are—

24 “(1) that the person knows or has reason to  
25 know that such visual depiction will be—

1                   “(A) transported or transmitted using any  
2                   means or facility of interstate or foreign com-  
3                   merce;

4                   “(B) transported or transmitted in or af-  
5                   feting interstate or foreign commerce; or

6                   “(C) mailed;

7                   “(2) the visual depiction was produced or trans-  
8                   mitted using materials that have been mailed, or  
9                   shipped or transported in or affecting interstate or  
10                   foreign commerce by any means, including by com-  
11                   puter;

12                   “(3) such visual depiction has actually been—

13                   “(A) transported or transmitted using any  
14                   means or facility of interstate or foreign com-  
15                   merce;

16                   “(B) transported or transmitted in or af-  
17                   feting interstate or foreign commerce; or

18                   “(C) mailed; or

19                   “(4) any part of the offense occurred in a terri-  
20                   tory or possession of the United States or within the  
21                   special maritime and territorial jurisdiction of the  
22                   United States.

23                   “(g) Notwithstanding any other provision of this sec-  
24                   tion, no criminal charge under subsection (a)(3) may be  
25                   brought against an electronic communication service pro-

1 vider or remote computing service provider unless such  
2 provider has intentionally transmitted or caused to be  
3 transmitted a visual depiction with actual knowledge that  
4 such depiction is of a minor engaged in sexually explicit  
5 conduct, nor may any such criminal charge be brought if  
6 barred by the provisions of section 2258B.”.

7 SEC. 106. LIMITED LIABILITY FOR CERTAIN PERSONS  
8 WHEN RESPONDING TO SEARCH WARRANTS  
9 OR OTHER LEGAL PROCESS.

10 Section 2258B of title 18, United States Code, is  
11 amended—

12 (1) in subsection (a), by inserting “from the re-  
13 sponse to a search warrant or other legal process  
14 or” before “from the performance”; and

19                   **TITLE II—ADAM WALSH**  
20                   **REAUTHORIZATION ACT**

**21 SEC. 201. SHORT TITLE.**

22 This title may be cited as the “Adam Walsh Reau-  
23 thorization Act of 2018”.

1 **SEC. 202. SEX OFFENDER MANAGEMENT ASSISTANCE**2 **(SOMA) PROGRAM REAUTHORIZATION.**

3 Section 126(d) of the Adam Walsh Child Protection  
4 and Safety Act of 2006 (34 U.S.C. 20928(d)) is amended  
5 to read as follows:

6 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
7 are authorized to be appropriated to the Attorney General  
8 \$20,000,000 for each of the fiscal years 2018 through  
9 2022, to be available only for the SOMA program.”.

10 **SEC. 203. REAUTHORIZATION OF FEDERAL ASSISTANCE**11 **WITH RESPECT TO VIOLATIONS OF REG-  
12 ISTRATION REQUIREMENTS.**

13 Section 142(b) of the Adam Walsh Child Protection  
14 and Safety Act of 2006 (34 U.S.C. 20941(b)) is amended  
15 to read as follows:

16 “(b) For each of fiscal years 2018 through 2022, of  
17 amounts made available to the United States Marshals  
18 Service, not less than \$60,000,000 shall be available to  
19 carry out this section.”.

20 **SEC. 204. DURATION OF SEX OFFENDER REGISTRATION RE-**21 **QUIREMENTS FOR CERTAIN JUVENILES.**

22 Subparagraph (B) of section 115(b)(2) of the Adam  
23 Walsh Child Protection and Safety Act of 2006 (34 U.S.C.  
24 20915(b)(2)) is amended by striking “25 years” and in-  
25 serting “15 years”.

1 **SEC. 205. PUBLIC ACCESS TO JUVENILE SEX OFFENDER IN-**2 **FORMATION.**3 Section 118(c) of the Adam Walsh Child Protection  
4 and Safety Act of 2006 (34 U.S.C. 20920(c)) is amend-  
5 ed—6 (1) by striking “and” after the semicolon in  
7 paragraph (3);8 (2) by redesignating paragraph (4) as para-  
9 graph (5); and10 (3) by inserting after paragraph (3) the fol-  
11 lowing:12 “(4) any information about a sex offender for  
13 whom the offense giving rise to the duty to register  
14 was an offense for which the offender was adju-  
15 dicated delinquent; and”.16 **SEC. 206. PROTECTION OF LOCAL GOVERNMENTS FROM**17 **STATE NONCOMPLIANCE PENALTY UNDER**  
18 **SORNA.**19 Section 125 of the Adam Walsh Child Protection and  
20 Safety Act of 2006 (34 U.S.C. 20927(a)) is amended—21 (1) by striking “jurisdiction” each place it ap-  
22 pears and inserting “State”;

23 (2) in subsection (a)—

24 (A) by striking “subpart 1 of part E” and  
25 inserting “section 505(c)”;

1 (B) by striking “(42 U.S.C. 3750 et seq.)”  
2 and inserting “(34 U.S.C. 10156(c))”; and  
3 (3) by adding at the end the following:

4       “(e) CALCULATION OF ALLOCATION TO UNITS OF  
5 LOCAL GOVERNMENT.—Notwithstanding the formula  
6 under section 505(c) of the Omnibus Crime Control and  
7 Safe Streets Act 1968 (34 U.S.C. 10156(c)), a State  
8 which is subject to a reduction in funding under sub-  
9 section (a) shall—

10               “(1) calculate the amount to be made available  
11               to units of local government by the State pursuant  
12               to the formula under section 505(c) using the  
13               amount that would otherwise be allocated to that  
14               State for that fiscal year under section 505(c) of  
15               that Act, and make such amount available to such  
16               units of local government; and

17               “(2) retain for the purposes described in section  
18               501 any amount remaining after the allocation re-  
19               quired by paragraph (1).”.

20 SEC. 207. ADDITIONAL INFORMATION TO BE INCLUDED IN  
21 ANNUAL REPORT ON ENFORCEMENT OF REG-  
22 ISTRATION REQUIREMENTS.

23 Section 635 of the Adam Walsh Child Protection and  
24 Safety Act of 2006 (34 U.S.C. 20991) is amended—

7 (3) in paragraph (4), by striking “and” at the  
8 end;

11 (5) by adding after paragraph (5) the following:

12 “(6) the number of sex offenders registered in

13 the National Sex Offender Registry;

14           “(7) the number of sex offenders registered in  
15           the National Sex Offender Registry who—

16                   “(A) are adults;

18                   “(C) are adults, but who are required to  
19                   register as a result of conduct committed as a  
20                   juvenile; and

21               “(8) to the extent such information is obtain-  
22               able, of the number of sex offenders registered in the  
23               National Sex Offender Registry who are juveniles—

24                   “(A) the percentage of such offenders who  
25                   were adjudicated delinquent; and

1                   “(B) the percentage of such offenders who  
2                   were prosecuted as adults.”.

3 **SEC. 208. ENSURING SUPERVISION OF RELEASED SEXU-**  
4                   **ALLY DANGEROUS PERSONS.**

5                   (a) PROBATION OFFICERS.—Section 3603 of title 18,  
6 United States Code, is amended in paragraph (8)(A) by  
7 striking “or 4246” and inserting “, 4246, or 4248”.

8                   (b) PRETRIAL SERVICES OFFICERS.—Section 3154  
9 of title 18, United States Code, is amended in paragraph  
10 (12)(A) by striking “or 4246” and inserting “, 4246, or  
11 4248”.

12 **SEC. 209. TRIBAL ACCESS PROGRAM.**

13                   The Attorney General is authorized to provide tech-  
14 nical assistance, including equipment, to tribal govern-  
15 ments for the purpose of enabling such governments to  
16 access, enter information into, and obtain information  
17 from, Federal criminal information databases, as author-  
18 ized under section 534(d) of title 28, United States Code.

19                   The Department of Justice Working Capital Fund (estab-  
20 lished under section 527 of title 28, United States Code)  
21 may be reimbursed by federally recognized tribes for tech-  
22 nical assistance provided pursuant to this section.

1 **SEC. 210. ALTERNATIVE MECHANISMS FOR IN-PERSON**2 **VERIFICATION.**

3 Section 116 of the Adam Walsh Child Protection and

4 Safety Act of 2006 (34 U.S.C. 20918) is amended—

5 (1) by striking “A sex offender shall” and in-  
6 serting the following:7 “(a) IN GENERAL.—Except as provided in subsection  
8 (b), a sex offender shall”; and

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

10 “(b) ALTERNATIVE VERIFICATION METHOD.—A ju-  
11 risdiction may allow a sex offender to comply with the re-  
12 quirements under subsection (a) by an alternative  
13 verification method approved by the Attorney General, ex-  
14 cept that each offender shall appear in person not less  
15 than one time per year. The Attorney General shall ap-  
16 prove an alternative verification method described in this  
17 subsection prior to its implementation by a jurisdiction in  
18 order to ensure that such method provides for verification  
19 that is sufficient to ensure the public safety.”.20 **SEC. 211. CLARIFICATION OF AGGRAVATED SEXUAL ABUSE.**21 Section 111(8) of the Adam Walsh Child Protection  
22 and Safety Act of 2006 (34 U.S.C. 20911(8)) is amended  
23 by inserting “subsection (a) or (b) of” before “section  
24 2241 of title 18, United States Code”.

1   **SEC. 212. COMPREHENSIVE EXAMINATION OF SEX OF-**  
2                   **FENDER ISSUES.**

3           Section 634(c) of the Adam Walsh Child Protection  
4   and Safety Act of 2006 is amended by adding at the end  
5   the following:

6           “(3) ADDITIONAL REPORT.—Not later than 1  
7   year after the date of enactment of the Adam Walsh  
8   Reauthorization Act of 2018, the National Institute  
9   of Justice shall submit to Congress a report on the  
10   public safety impact, recidivism, and collateral con-  
11   sequences of long-term registration of juvenile sex  
12   offenders, based on the information collected for the  
13   study under subsection (a) and any other informa-  
14   tion the National Institute of Justice determines  
15   necessary for such report.”.

16   **SEC. 213. ASSISTING STATES WITH JUVENILE REGIS-  
17                   TATION.**

18           Section 125 of the Adam Walsh Child Protection and  
19   Safety Act of 2006 (34 U.S.C. 20927) is amended by add-  
20   ing at the end the following:

21           “(e) SUBSTANTIAL IMPLEMENTATION FOR JUVENILE  
22   REGISTRATION REQUIREMENTS.—

23           “(1) IN GENERAL.—In the case of a jurisdiction  
24   that uses a discretionary process for determining  
25   whether registration under this Act is required for  
26   juveniles 14 years of age or older who are adju-

1 dicated delinquent for sex offenses described in sec-  
2 tion 111(8), the Attorney General, in assessing  
3 whether the jurisdiction has substantially imple-  
4 mented this title with respect to the registration of  
5 such juveniles, may examine the policies and prac-  
6 tices that the jurisdiction has in place—

7 “(A) related to the prosecution as adults,  
8 of juveniles who commit sex offenses described  
9 in section 111(8);

10 “(B) related to the registration under this  
11 Act of juveniles adjudicated delinquent for such  
12 an offense; and

13 “(C) related to the identification, tracking,  
14 monitoring, or managing of juveniles adju-  
15 dicated delinquent for such offenses who reside  
16 in the jurisdiction, including policies and prac-  
17 tices to ensure that the records of their identi-  
18 ties and sex offenses are available as needed for  
19 public safety purposes.

20 “(2) SUBMISSION BY JURISDICTION.—A juris-  
21 diction described in paragraph (1) shall submit to  
22 the Attorney General an explanation for how the dis-  
23 cretionary process used by the jurisdiction with re-  
24 spect to the registration of juveniles under this Act

1 should be considered substantial implementation of  
2 this title.

3       “(3) DETERMINATION.—The Attorney General  
4 may determine that a jurisdiction has substantially  
5 implemented this title if the Attorney General deter-  
6 mines that the policies and practices described in  
7 paragraph (1) have resulted or will result in the reg-  
8 istration, identification, tracking, monitoring, or  
9 management of juveniles who commit sex offenses  
10 described in section 111(8), and in the availability of  
11 the identities and sex offenses of such juveniles as  
12 needed for public safety purposes, in a manner that  
13 does not substantially disserve the purposes of this  
14 title.”.

Passed the House of Representatives September 25,  
2018.

Attest:

*Clerk.*

115TH CONGRESS  
2D SESSION **H. R. 6847**

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**AN ACT**

To amend title 18, United States Code, to expand and strengthen Federal sex offenses, to reauthorize certain programs established by the Adam Walsh Child Protection and Safety Act of 2006, and for other purposes.