

115TH CONGRESS
2D SESSION

H. R. 6847

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.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2018

Mrs. ROBY introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

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,*

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

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

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

Sec. 1. Short title; table of contents.

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

TITLE II—ADAM WALSH REAUTHORIZATION ACT

- Sec. 201. Short title.
- Sec. 202. Sex offender management assistance (SOMA) program reauthorization.
- Sec. 203. Reauthorization of Federal assistance with respect to violations of registration requirements.
- Sec. 204. Duration of sex offender registration requirements for certain juveniles.
- Sec. 205. Public access to juvenile sex offender information.
- Sec. 206. Protection of local governments from State noncompliance penalty under Sex Offender Registration and Notification Act.
- Sec. 207. Additional information to be included in annual report on enforcement of registration requirements.
- Sec. 208. Ensuring supervision of released sexually dangerous persons.
- Sec. 209. Civil remedy for survivors of child sexual exploitation and human trafficking.
- Sec. 210. Tribal Access Program.
- Sec. 211. Alternative mechanisms for in-person verification.
- Sec. 212. Clarification of aggravated sexual abuse.
- Sec. 213. Comprehensive examination of sex offender issues.
- Sec. 214. 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”.

1 **SEC. 102. EXPANDING THE DEFINITION OF FEDERAL SEX**
2 **OFFENSE.**

3 Section 3559 of title 18, United States Code, is
4 amended—

5 (1) in subsection (e)(2)(A)—

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

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

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

10 (D) by inserting “or 2423(c) (relating to
11 illicit sexual conduct)” before the semicolon at
12 the end; and

13 (2) in subsection (e)(3), by striking “or
14 2423(a)” and inserting “, 2423(a), or 2423(c)”.

15 **SEC. 103. FAILURE OF SEX OFFENDERS TO REGISTER.**

16 Section 2250(d) of title 18, United State Code, is
17 amended—

18 (1) by inserting after “Federal law (including
19 the Uniform Code of Military Justice),” the fol-
20 lowing: “State law,”; and

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

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

1 **SEC. 104. PRIOR MILITARY OFFENSES INCLUDED FOR PUR-**
2 **POSES OF RECIDIVIST SENTENCING PROVI-**
3 **SIONS.**

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

8 (b) SEXUAL EXPLOITATION OF CHILDREN.—Section
9 2251(e) of title 18, United States Code, is amended by
10 striking “section 920 of title 10 (article 120 of the Uni-
11 form Code of Military Justice), or under” each place it
12 appears and inserting “the Uniform Code of Military Jus-
13 tice or”.

14 (c) CERTAIN ACTIVITIES RELATING TO MATERIAL
15 INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—
16 Section 2252 of title 18, United States Code, is amend-
17 ed—

18 (1) in subsection (b)(1), by striking “section
19 920 of title 10 (article 120 of the Uniform Code of
20 Military Justice), or under” and inserting “the Uni-
21 form Code of Military Justice or”; and

22 (2) in subsection (b)(2), by striking “section
23 920 of title 10 (article 120 of the Uniform Code of
24 Military Justice), or under” and inserting “the Uni-
25 form Code of Military Justice or”.

1 (d) CERTAIN ACTIVITIES RELATING TO MATERIAL
2 CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—
3 Section 2252A of title 18, United States Code, is amend-
4 ed—

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

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

13 (e) REPEAT OFFENDERS.—Section 2426(b)(1)(B) of
14 title 18, United States Code, is amended by inserting after
15 “State law” the following: “or the Uniform Code of Mili-
16 tary Justice”.

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

19 (1) in subsection (e)(2)(B)—

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

22 (B) by inserting after “under State law”
23 the following: “or the Uniform Code of Military
24 Justice”; and

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

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

4 Section 2251 of title 18, United States Code, is
5 amended—

6 (1) by amending subsections (a) and (b) to read
7 as follows:

8 “(a) Any person who, in a circumstance described in
9 subsection (f), knowingly—

10 “(1) employs, uses, persuades, induces, entices,
11 or coerces a minor to engage in any sexually explicit
12 conduct for the purpose of producing any visual de-
13 piction of such conduct, or transmitting a live visual
14 depiction of such conduct;

15 “(2) produces or causes to be produced a visual
16 depiction of a minor engaged in any sexually explicit
17 conduct where the production of such visual depic-
18 tion involves the use of a minor engaging in sexually
19 explicit conduct and such visual depiction is of such
20 conduct;

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

24 “(4) has a minor assist any other person to en-
25 gage in any sexually explicit conduct during the

1 commission of an offense set forth in paragraphs (1)
2 through (3) of this subsection; or

3 “(5) transports any minor in or affecting inter-
4 state or foreign commerce with the intent that such
5 minor be used in the production or live transmission
6 of a visual depiction of a minor engaged in any sexu-
7 ally explicit conduct,

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

9 “(b) Any parent, legal guardian, or person having
10 custody or control of a minor who, in a circumstance de-
11 scribed in subsection (f), knowingly permits such minor
12 to engage in, or to assist any other person to engage in,
13 sexually explicit conduct knowing that a visual depiction
14 of such conduct will be produced or transmitted shall be
15 punished as provided under subsection (e).”;

16 (2) in subsection (c)—

17 (A) in paragraph (1)—

18 (i) by striking “employs, uses, per-
19 suades, induces, entices, or coerces any
20 minor to engage in, or who has a minor as-
21 sist any other person to engage in, any
22 sexually explicit conduct” and inserting
23 “engages in any conduct described in para-
24 graphs (1) through (5) of subsection (a)”;
25 and

1 (ii) by striking “, for the purpose of
2 producing any visual depiction of such con-
3 duct,”;

4 (B) in paragraph (2)(A), by inserting after
5 “transported” the following: “or transmitted”;
6 and

7 (C) in paragraph (2)(B), by inserting after
8 “transports” the following; “or transmits”; and
9 (3) by adding at the end the following:

10 “(f) The circumstances referred to in subsections (a)
11 and (b) are—

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

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

17 “(B) transported or transmitted in or af-
18 fecting interstate or foreign commerce; or

19 “(C) mailed;

20 “(2) the visual depiction was produced or trans-
21 mitted using materials that have been mailed, or
22 shipped or transported in or affecting interstate or
23 foreign commerce by any means, including by com-
24 puter;

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

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

4 (2) in subsection (b)(2)(C), by inserting “the
5 response to a search warrant or other legal process
6 or to” before “the performance of any responsi-
7 bility”.

8 **TITLE II—ADAM WALSH**
9 **REAUTHORIZATION ACT**

10 **SEC. 201. SHORT TITLE.**

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

13 **SEC. 202. SEX OFFENDER MANAGEMENT ASSISTANCE**
14 **(SOMA) PROGRAM REAUTHORIZATION.**

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

18 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Attorney General
20 \$20,000,000 for each of the fiscal years 2018 through
21 2022, to be available only for the SOMA program.”.

1 **SEC. 203. REAUTHORIZATION OF FEDERAL ASSISTANCE**
2 **WITH RESPECT TO VIOLATIONS OF REG-**
3 **ISTRATION REQUIREMENTS.**

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

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

11 **SEC. 204. DURATION OF SEX OFFENDER REGISTRATION RE-**
12 **QUIREMENTS FOR CERTAIN JUVENILES.**

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

17 **SEC. 205. PUBLIC ACCESS TO JUVENILE SEX OFFENDER IN-**
18 **FORMATION.**

19 Section 118(c) of the Adam Walsh Child Protection
20 and Safety Act of 2006 (34 U.S.C. 20920(c)) is amend-
21 ed—

22 (1) by striking “and” after the semicolon in
23 paragraph (3);

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

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

3 “(4) any information about a sex offender for
4 whom the offense giving rise to the duty to register
5 was an offense for which the offender was adju-
6 dicated delinquent; and”.

7 **SEC. 206. PROTECTION OF LOCAL GOVERNMENTS FROM**
8 **STATE NONCOMPLIANCE PENALTY UNDER**
9 **SEX OFFENDER REGISTRATION AND NOTIFI-**
10 **CATION ACT.**

11 Section 125 of the Adam Walsh Child Protection and
12 Safety Act of 2006 (34 U.S.C. 20927(a)) is amended—

13 (1) by striking “jurisdiction” each place it ap-
14 pears and inserting “State”;

15 (2) in subsection (a)—

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

18 (B) by striking “(42 U.S.C. 3750 et seq.)”
19 and inserting “(34 U.S.C. 10156(c))”; and

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

21 “(e) **CALCULATION OF ALLOCATION TO UNITS OF**
22 **LOCAL GOVERNMENT.**—Notwithstanding the formula
23 under section 505(c) of the Omnibus Crime Control and
24 Safe Streets Act 1968 (34 U.S.C. 10156(c)), a State

1 which is subject to a reduction in funding under sub-
2 section (a) shall—

3 “(1) calculate the amount to be made available
4 to units of local government by the State pursuant
5 to the formula under section 505(c) using the
6 amount that would otherwise be allocated to that
7 State for that fiscal year under section 505(c) of
8 that Act, and make such amount available to such
9 units of local government; and

10 “(2) retain for the purposes described in section
11 501 any amount remaining after the allocation re-
12 quired by paragraph (1).”.

13 **SEC. 207. ADDITIONAL INFORMATION TO BE INCLUDED IN**
14 **ANNUAL REPORT ON ENFORCEMENT OF REG-**
15 **ISTRATION REQUIREMENTS.**

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

18 (1) by striking “Not later than July 1 of each
19 year” and inserting “On January 1 of each year.”;

20 (2) in paragraph (3), by inserting before the
21 semicolon at the end the following: “, and an anal-
22 ysis of any common reasons for noncompliance with
23 such Act”;

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

1 (4) in paragraph (5), by striking the period at
2 the end and inserting a semicolon; and

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

4 “(6) the number of sex offenders registered in
5 the National Sex Offender Registry;

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

8 “(A) are adults;

9 “(B) are juveniles; and

10 “(C) are adults, but who are required to
11 register as a result of conduct committed as a
12 juvenile; and

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

16 “(A) the percentage of such offenders who
17 were adjudicated delinquent; and

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

20 **SEC. 208. ENSURING SUPERVISION OF RELEASED SEXU-**
21 **ALLY DANGEROUS PERSONS.**

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

1 (b) PRETRIAL SERVICES OFFICERS.—Section 3154
2 of title 18, United States Code, is amended in paragraph
3 (12)(A) by striking “or 4246” and inserting “, 4246, or
4 4248”.

5 **SEC. 209. CIVIL REMEDY FOR SURVIVORS OF CHILD SEX-**
6 **UAL EXPLOITATION AND HUMAN TRAF-**
7 **FICKING.**

8 Section 2255(b) of title 18, United States Code, is
9 amended—

10 (1) by striking “three years” and inserting “10
11 years”; and

12 (2) by inserting “ends” before the period at the
13 end.

14 **SEC. 210. TRIBAL ACCESS PROGRAM.**

15 The Attorney General is authorized to provide tech-
16 nical assistance, including equipment, to tribal govern-
17 ments for the purpose of enabling such governments to
18 access, enter information into, and obtain information
19 from, Federal criminal information databases, as author-
20 ized under section 534(d) of title 28, United States Code.
21 The Department of Justice Working Capital Fund (estab-
22 lished under section 527 of title 28, United States Code)
23 may be reimbursed by federally recognized tribes for tech-
24 nical assistance provided pursuant to this section.

1 **SEC. 211. 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. 212. 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. 213. 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. 214. ASSISTING STATES WITH JUVENILE REGISTRA-**
17 **TION.**

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.”.

○