

NLWJC - Kagan

DPC - Box 010 - Folder 002

Crime - Child Protection Act

Crime-child protection
Act

From the desk of



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BRUCE | ELENA | TOM | RAHM:

ATTACHED PLEASE FIND THE
DRAFT "CHILD PROTECTION"
PACKAGE BEING CONSIDERED
BY THE HOUSE R'S. I
UNDERSTAND THEY INTEND TO
INTRODUCE THIS PRETTY SOON,
SO WE SHOULD DISCUSS.

Will share w/DOJ + GET
THEIR REACTION.

cc: KENT MARKUS
LEANNE

Jose



McCollum

"Child Protection and Sexual Predator Punishment Act of 1998"

Title I – Protecting Children from Sexual Predators and Child Pornography

- Prohibits *contacting* a minor over the Internet for the purposes of engaging in illegal sexual activity. This prohibits soliciting a minor for sexual acts
- Prohibits knowingly transferring obscene materials to a minor over the Internet
- Increases penalties for enticing a minor to travel across State lines to engage in illegal sexual activity
- Increases penalties for using a computer to entice a minor to engage in illegal sexual activity
- Increases penalties for sending child pornography to a child
- Increases penalties for possessing 50 or more images of child pornography (there is currently no greater punishment for the possession of large quantities of child pornography)
- Allows for criminal forfeiture for federal offenses under chapter 109A and 117 crimes, including: 1) transportation of a minor for illegal sexual activity; 2) coercion or enticement of a minor to engage in criminal sexual activity; 3) transportation in interstate commerce with intent to engage in criminal sexual activity with a minor
- Authorizes pretrial detention of federal child sex offenders
- Increases penalties for using a computer to coerce or entice a minor to engage in sexual activity

Title II – Punishing Sexual Predators

- Requires the U.S. Sentencing Commission to review and amend the sentencing guidelines to increase the penalties for 1) transporting a minor across State lines for the purposes of engaging in certain sexual abuse offenses; 2) traveling in interstate commerce with the intent to engage in sexual activities with a minor

- **Allows for federal prosecution of certain sexual assault cases involving the crossing of State lines**
- **Mandates life in prison for anyone who commits a federal sexual assault and has twice been convicted of a serious State or federal sex crime**
- **Doubles the penalties for repeat sex offenders**
- **Allows for civil remedy for personal injuries resulting from certain sex crimes against children**

Title III – Federal Investigations of Sex Crimes Against Children

- **Allows for administrative subpoenas in certain child exploitation investigations**
- **Allows for the immediate commencement of federal investigations involving kidnaping offenses (eliminates the 24-hour rule)**
- **Allows for federal investigation of kidnaping offenses if: 1) any facility or means of interstate or foreign commerce was used in furtherance of the offense, or 2) the kidnaping offense affects interstate or foreign commerce**
- **Allows for federal investigation of serial murder offenses when the offender crosses State lines with intent to commit first degree murder**
- **Reorganizes the Morgan P. Hardiman Missing and Exploited Children's Task Force to improve its effectiveness in kidnaping and serial murder investigations. The task force would be simplified through the establishment of regional task forces in FBI field offices which would serve as a liaisons for State and local law enforcement and other federal law enforcement agencies in cases of child abduction and serial murders. The task force would be authorized at a level of \$7,500,000 each year for the next three years.**

Related Measures for Consideration:

1. H.R. _____, sponsored by Rep. Deborah Pryce. Withholds 5% of Byrne Grant funding to States that allow a prisoner incarcerated for a pornography or sex crime involving a child access to any interactive computer service without supervision. Requires BOP to prohibit prisoners from unsupervised Internet access.

Remarks: Mrs. Pryce has written to the Subcommittee urging action on her proposal. This is a priority and she is open to any improvements to the measure.

2. H.R. 1972, by Rep. Bob Franks. Prohibits the sale of personal information about children without their parents' consent.

Remarks: The Subcommittee held a hearing on a nearly identical bill in the 104th Congress. Mr. Frank's office has contacted the Subcommittee indicating that this bill is a priority for Mr. Franks.

3. H.R. 2173, by Rep. Bob Franks. Requires reporting of child sexual abuse (e.g., child pornography) by Internet service providers.

Remarks: Mr. Franks has contacted the Subcommittee, urging action on his proposal. A similar proposal was transmitted by the administration in the 104th Congress. America On-Line and the National Center for Missing and Exploited Children have expressed some concerns.

4. H.R. 2815, by Reps. Weller and Hastert. Provides penalties for use of an interstate facility to target children for sexually explicit messages or contacts.

Remarks: This bill is a priority of Mr. Weller and Mr. Hastert's and was written for constituents who were victimized in their District. While the current language is somewhat vague, both Members have requested changing the language to resemble a Florida State statute which prohibits the exchange of minor's names for the purposes of facilitating sexual activities with any minor.

5. H.R. 3185, by Rep. Bob Riley. Makes illegal the possession of one or more images of child pornography. (It is currently illegal to possess 3 or more images of child pornography.)

Remarks: Mr. Riley has contacted the Subcommittee urging action on his bill.