



## Legislative Bulletin.....October 7, 2002

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- **H. R. 5422**—To prevent child abduction, and for other purposes

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### **H. R. 5422—To prevent child abduction, and for other purposes (Sensenbrenner)**

**Order of Business:** The bill is scheduled to be considered on Monday, October 7, 2002, under a motion to suspend the rules and pass the bill.

### **Summary:**

- Makes murder in the perpetration of child abuse or as part of a pattern or practice of assault or torture against children first-degree murder.
- Increases the penalties for violating sexual abuse statutes and directs the U.S. Sentencing Commission to increase the penalties for kidnapping.
- **Includes the provisions of these four other bills previously passed by the House:**
  - H.R. 2146 -- Two Strikes and You're Out Child Protection Act - Amends the Federal criminal code to provide for mandatory life imprisonment of a person convicted of a Federal sex offense in which a minor is the victim if the person has a prior sex conviction in which a minor was the victim, unless a death sentence is imposed. Passed the House 382-34 on March 14, 2002 (<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2002&rollnumber=64>)
  - H.R. 4477 -- Sex Tourism Prohibition Improvement Act of 2002 - Amends Federal criminal code provisions prohibiting traveling in interstate or foreign commerce for the purpose of engaging in an illicit sexual act with a juvenile to prohibit: (1) traveling into the United States for such purpose; (2) traveling in foreign commerce and engaging in such sexual conduct; or (3) arranging, inducing, procuring, or facilitating such travel. Passed the House 418-8 on June 26, 2002 (<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2002&rollnumber=259>)
  - H.R. 4679 -- Lifetime Consequences for Sex Offenders Act of 2002 - Amends the Federal criminal code to make the authorized term of supervised release after imprisonment for the offenses of sexual abuse, sexual exploitation of children,

transportation for illegal sexual activity (generally), and sex trafficking of children any term of years or life. Passed the House 409-3 on June 25, 2002 (<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2002&rollnumber=255>)

- H.R. 1877 -- Child Sex Crimes Wiretapping Act of 2002 - Amends the Federal criminal code to authorize the interception of wire, oral, or electronic communications in the investigation of: (1) the buying or selling of a child for sexual exploitation; (2) child pornography; (3) felony coercion and enticement to engage in prostitution or other illegal sexual activity; (4) felony transportation of minors to engage in prostitution or other illegal sexual activity (including a felony violation of sexual abuse and sexual exploitation of children provisions if the sexual activity occurred, or was intended to occur, within U.S. special maritime and territorial jurisdiction); and (5) travel with intent to engage in a sexual act with a juvenile. – Passed the House 396-11 on May 21, 2002 (<http://clerkweb.house.gov/cgi-bin/vote.exe?year=2002&rollnumber=175>)
- Eliminates the statute of limitations for child abduction and sex crimes.
- Prohibits pre-trial release for those who rape or kidnap children.
- Removes the waiting period to report missing children
- Requires each Federal, State, and local law enforcement agency to refer each reported case of a missing child under the age of 21 to the National Crime Information Center of the Department of Justice. Current law only requires the reporting of those under 18.
- Requires the Attorney General to submit a report to Congress detailing the number of times since January 1993 that DOJ has inspected the records of any producer of pornographic material (to ensure that minors were not used in production of pornography) and to report the number of violations prosecuted as a result of those inspections.
- Increases the authorization for the annual grant to the National Center for Missing and Exploited Children (NCMEC) to \$20 million from \$10 million and extends the authorization through 2004.
- Authorizes COPS funding to assist States in enforcing a law which requires that a convicted sex offender register his or her address with a State or local law enforcement agency and be subject to criminal prosecution for failure to comply.
- Authorizes the Secret Service to provide forensic and investigative assistance regarding missing or exploited children to state or local law enforcement agencies or the NCMEC if they request assistance. (Jackson-Lee/Schiff amendment accepted in committee)
- **AMBER Alert Provisions:**
  - Requires the Attorney General to designate a DOJ officer as the national coordinator of the AMBER Alert communications network to (1) eliminate gaps in the network; (2)

work with States to encourage development of additional elements; (3) work with States to ensure regional coordination; and (4) serve as the nationwide point of contact for the development of the network and regional coordination for alerts. The coordinated must notify and consult the FBI concerning each child abduction alert issued on the AMBER network.

- The bill also establish minimum voluntary standards for the issuance of alerts and the extent of dissemination of alerts, though it specifies that the Coordinator is not to interfere with the current local or state system of voluntary coordination.
- Authorizes \$20 million for grants to States to pay up to 50% of the costs for the development and enhancement of communications systems along highways for recovery of abducted children. The Secretary of Transportation would carry out the program.
- Authorizes \$5 million for grants to States to pay up to 50% of the costs of activities in support of AMBER Alert communications plans, including the development of education and training programs, and law enforcement programs. The Attorney General would carry out the program.

**Additional Information:**

AMBER alerts are named for Amber Hagerman, a 9-year-old brutally murdered in Arlington, Texas, in 1996 and now operating in 62 jurisdictions (20 states, 42 counties and multi-county regions such as the D.C. metropolitan area).

President Bush recently announced his own plan to improve the AMBER system by ordering the Justice Department to set national standards. He said at a White House conference on Missing Exploited and Runaway Children that he was releasing \$10 million toward the effort of improving the system through a special coordinator in the Justice Department.

*Washington Post* Op-Ed From Sunday, September 29, 2002, "Code AMBER: The Perils of a Posse on Wheels" By Cynthia Gorney <http://www.washingtonpost.com/wp-dyn/articles/A13948-2002Sep27.html>

**Cost to Taxpayers**: A CBO cost estimate is unavailable but the bill authorizes at least \$65 million in spending.

**Does the Bill Create New Federal Programs or Rules?**: Yes, the bill creates new and increases already existing penalties for crimes against children. The bill also reauthorizes the grant program for the National Center for Missing and Exploited Children and creates two new AMBER alert grant programs.

**Constitutional Authority**: A Judiciary Committee report citing constitutional authority is unavailable.

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