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H.R.3132

Children's Safety Act of 2005 (Introduced in House)

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TITLE I--SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the `Sex Offender Registration and Notification Act'.

SEC. 102. DECLARATION OF PURPOSE.

In response to the vicious attacks by violent sexual predators against the victims listed below,

Congress in this Act establishes a comprehensive national system for the registration of sex offenders:

(1) Jacob Wetterling, who was 11 years old, was abducted in 1989 in Minnesota, and remains missing.

(2) Megan Nicole Kanka, who was 7 years old, was abducted, sexually assaulted and murdered in 1994, in New Jersey.

(3) Pam Lychner, who was 31 years old, was attacked by a career offender in Houston, Texas.

(4) Jetseta Gage, who was 10 years old, was kidnapped, sexually assaulted, and murdered in 2005 in Cedar Rapids, Iowa.

(5) Dru Sjodin, who was 22 years old, was sexually assaulted and murdered in 2003, in North Dakota.

(6) Jessica Lunsford, who was 9 years, was abducted, sexually assaulted, buried alive, and murdered in 2005, in Homosassa, Florida.

(7) Sarah Lunde, who was 13 years old, was strangled and murdered in 2005, in Ruskin, Florida.

(8) Amie Zyla, who was 8 years old, was sexually assaulted in 1996 by a juvenile offender in Waukesha, Wisconsin, and has become an advocate for child victims and protection of children from juvenile sex offenders.

(9) Christy Ann Fornoff, who was 13 years old, was abducted, sexually assaulted and murdered in 1984, in Tempe, Arizona.

(10) Alexandra Nicole Zapp, who was 30 years old, was brutally attacked and murdered in a public restroom by a repeat sex offender in 2002, in Bridgewater, Massachusetts.

Subtitle A--Jacob Wetterling Sex Offender Registration and Notification Program

SEC. 111. RELEVANT DEFINITIONS, INCLUDING AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION AND EXPANDED INCLUSION OF CHILD PREDATORS.

In this title the following definitions apply:

(1) **SEX OFFENDER REGISTRY**- The term `sex offender registry' means a registry of sex offenders, and a notification program, maintained by a jurisdiction.

(2) **JURISDICTION**- The term jurisdiction means any of the following:

- (A) A State.
- (B) The District of Columbia.
- (C) The Commonwealth of Puerto Rico.
- (D) Guam.
- (E) American Samoa.
- (F) Northern Mariana Islands.
- (G) The United States Virgin Islands.
- (H) A federally recognized Indian tribe.

(3) **AMIE ZYLA EXPANSION OF SEX OFFENDER DEFINITION**- The term `sex offender' means an individual who, either before or after the enactment of this Act, was convicted of, or adjudicated a juvenile delinquent for, an offense (other than an offense involving sexual conduct where the victim was at least 13 years old and the offender was not more than 4 years older than the victim and the sexual conduct was consensual, or an offense consisting of consensual sexual conduct with an adult) whether Federal, State, local, tribal, foreign (other than an offense based on conduct that would not be a crime if the conduct took place in the United States), military, juvenile or other, that is--

- (A) a specified offense against a minor;
- (B) a serious sex offense; or
- (C) a misdemeanor sex offense against a minor.

(4) **EXPANSION OF DEFINITION OF OFFENSE TO INCLUDE ALL CHILD PREDATORS**- The term `specified offense against a minor' means an offense against a minor that involves any of the following:

- (A) Kidnapping (unless committed by a parent).
- (B) False imprisonment (unless committed by a parent).
- (C) Solicitation to engage in sexual conduct.
- (D) Use in a sexual performance.
- (E) Solicitation to practice prostitution.
- (F) Possession, production, or distribution of child pornography.
- (G) Criminal sexual conduct towards a minor.
- (H) Any conduct that by its nature is a sexual offense against a minor.
- (I) Any other offense designated by the Attorney General for inclusion in this definition.
- (J) Any attempt or conspiracy to commit an offense described in this paragraph.

(5) **SEX OFFENSE-** The term `sex offense' means a criminal offense that has an element involving sexual act or sexual contact with another, or an attempt or conspiracy to commit such an offense.

(6) **SERIOUS SEX OFFENSE-** The term `serious sex offense' means--

- (A) a sex offense punishable under the law of a jurisdiction by imprisonment for more than one year;
- (B) any Federal offense under chapter 109A, 110, 117, or section 1591 of title 18, United States Code;
- (C) an offense in a category specified by the Secretary of Defense under section 115 (a)(8)(C) of title I of Public Law 105-119 (10 U.S.C. 951 note);
- (D) any other offense designated by the Attorney General for inclusion in this definition.

(7) **MISDEMEANOR SEX OFFENSE AGAINST A MINOR-** The term `misdemeanor sex offense against a minor' means a sex offense against a minor punishable by

imprisonment for not more than one year.

(8) STUDENT- The term `student' means an individual who enrolls or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

(9) EMPLOYEE- The term `employee' includes an individual who is self-employed or works for any other entity, whether compensated or not.

(10) RESIDES- The term `resides' means, with respect to an individual, the location of the individual's home or other place where the individual lives.

(11) MINOR- The term `minor' means an individual who has not attained the age of 18 years.

SEC. 112. REGISTRY REQUIREMENTS FOR JURISDICTIONS.

Each jurisdiction shall maintain a jurisdiction-wide sex offender registry conforming to the requirements of this title. The Attorney General shall issue and interpret guidelines to implement the requirements and purposes of this title.

SEC. 113. REGISTRY REQUIREMENTS FOR SEX OFFENDERS.

(a) In General- A sex offender must register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student.

(b) Initial Registration- The sex offender shall initially register--

(1) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(2) not later than 5 days after being sentenced for that offense, if the sex offender is not sentenced to a term of imprisonment.

(c) Keeping the Registration Current- A sex offender must inform each jurisdiction involved, not later than 5 days after each change of residence, employment, or student status.

(d) Retroactive Duty to Register- The Attorney General shall prescribe a method for the registration of sex offenders convicted before the enactment of this Act.

(e) State Penalty for Failure to Comply- Each jurisdiction shall provide a criminal penalty, that includes a maximum term of imprisonment that is greater than one year, for the failure of a sex offender to comply with the requirements of this title.

SEC. 114. INFORMATION REQUIRED IN REGISTRATION.

(a) Provided by the Offender- The sex offender must provide the following information to the appropriate official for inclusion in the sex offender registry:

- (1) The name of the sex offender (including any alias used by the individual).
- (2) The Social Security number of the sex offender.
- (3) The address and location of the residence at which the sex offender resides or will reside.
- (4) The place where the sex offender is employed or will be employed.
- (5) The place where the sex offender is a student or will be a student.
- (6) The license plate number of any vehicle owned or operated by the sex offender.
- (7) A photograph of the sex offender.
- (8) A set of fingerprints and palm prints of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an accurate set.
- (9) A DNA sample of the sex offender, if the appropriate official determines that the jurisdiction does not already have available an appropriate DNA sample.
- (10) Any other information required by the Attorney General.

(b) Provided by the Jurisdiction- The jurisdiction in which the sex offender registers shall include the following information in the registry for that sex offender:

- (1) A statement of the facts of the offense giving rise to the requirement to register under this title.
- (2) The criminal history of the sex offender.
- (3) Any other information required by the Attorney General.

SEC. 115. DURATION OF REGISTRATION REQUIREMENT.

A sex offender shall keep the registration current--

- (1) for the life of the sex offender, if the offense is a specified offense against a minor, a serious sex offense, or a second misdemeanor sex offense against a minor; and
- (2) for a period of 20 years, in any other case.

SEC. 116. IN PERSON VERIFICATION.

A sex offender shall appear in person and verify the information in each registry in which that offender is required to be registered not less frequently than once every six months.

SEC. 117. DUTY TO NOTIFY SEX OFFENDERS OF REGISTRATION REQUIREMENTS AND TO REGISTER.

An appropriate official shall, shortly before release from custody of the sex offender, or, if the sex offender is not in custody, immediately after the sentencing of the sex offender, for the offense giving rise to the duty to register--

- (1) inform the sex offender of the duty to register and explain that duty;
- (2) require the sex offender to read and sign a form stating that the duty to register has been explained and that the sex offender understands the registration requirement; and
- (3) ensure that the sex offender is registered.

SEC. 118. JESSICA LUNSFORD ADDRESS VERIFICATION PROGRAM.

- (a) Establishment- There is established the Jessica Lunsford Address Verification Program (hereinafter in this section referred to as the `Program').
- (b) Verification- In the Program, an appropriate official shall verify the residence of each registered sex offender not less than monthly or, in the case of a sex offender required to register because of a misdemeanor sex offense against a minor, not less than quarterly.
- (c) Use of Mailed Form Authorized- Such verification may be achieved by mailing a nonforwardable verification form to the last known address of the sex offender. The date of the mailing may be selected at random. The sex offender must return the form, including a notarized

signature, within a set period of time. A failure to return the form as required may be a failure to register for the purposes of this title.

SEC. 119. NATIONAL SEX OFFENDER REGISTRY.

The Attorney General shall maintain a national database at the Federal Bureau of Investigation for each sex offender and other person required to register in a jurisdiction's sex offender registry. The database shall be known as the National Sex Offender Registry.

SEC. 120. DRU SJODIN NATIONAL SEX OFFENDER PUBLIC WEBSITE.

(a) Establishment- There is established the Dru Sjodin National Sex Offender Public Website (hereinafter referred to as the `Website').

(b) Information to Be Provided- The Attorney General shall maintain the Website as a site on the Internet which allows the public to obtain relevant information for each sex offender by a single query in a form established by the Attorney General.

(c) Electronic Forwarding- The Attorney General shall ensure (through the National Sex Offender Registry or otherwise) that updated information about a sex offender is immediately transmitted by electronic forwarding to all relevant jurisdictions, unless the Attorney General determines that each jurisdiction has so modified its sex offender registry and notification program that there is no longer a need for the Attorney General to do.

SEC. 121. PUBLIC ACCESS TO SEX OFFENDER INFORMATION THROUGH THE INTERNET.

Each jurisdiction shall make available on the Internet all information about each sex offender in the registry, except for the offender's Social Security number, the identity of any victim, and any other information exempted from disclosure by the Attorney General. The jurisdiction shall provide this information in a manner that is readily accessible to the public.

SEC. 122. MEGAN NICOLE KANKA AND ALEXANDRA NICOLE ZAPP COMMUNITY NOTIFICATION PROGRAM.

(a) Establishment of Program- There is established the Megan Nicole Kanka and Alexandra Nicole Zapp Community Program (hereinafter in this section referred to as the `Program').

(b) Notification- In the Program, as soon as possible, and in any case not later than 5 days after a sex offender registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by the

Attorney General) about that offender to the following:

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