

**Suspend the Rules and Pass the Bill, HR. 6847, with An Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

115<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 20, 2018

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

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## 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”.

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

Sec. 1. Short title; table of contents.

TITLE I—STRENGTHENING FEDERAL SEX OFFENSE LAWS

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 SORNA.

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. Tribal Access Program.

Sec. 210. Alternative mechanisms for in-person verification.

Sec. 211. Clarification of aggravated sexual abuse.

Sec. 212. Comprehensive examination of sex offender issues.

Sec. 213. Assisting States with juvenile registration.

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

5 **SEC. 101. EXPANDING THE DEFINITION OF ILLICIT SEXUAL**  
6 **CONDUCT.**

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

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

4 (2) by striking “if the sexual act” and inserting  
5 “if the conduct”.

6 **SEC. 102. EXPANDING THE DEFINITION OF FEDERAL SEX**  
7 **OFFENSE.**

8 Section 3559 of title 18, United States Code, is  
9 amended—

10 (1) in subsection (e)(2)(A)—

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

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

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

15 (D) by inserting “or 2423(c) (relating to  
16 illicit sexual conduct)” before the semicolon at  
17 the end; and

18 (2) in subsection (e)(3), by striking “or  
19 2423(a)” and inserting “, 2423(a), or 2423(c)”.

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

21 Section 2250(d) of title 18, United State Code, is  
22 amended—

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

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

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

5 **SEC. 104. PRIOR MILITARY OFFENSES INCLUDED FOR PUR-**  
6 **POSES OF RECIDIVIST SENTENCING PROVI-**  
7 **SIONS.**

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

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

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

22 (1) in subsection (b)(1), 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”; and

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

5           (d) CERTAIN ACTIVITIES RELATING TO MATERIAL  
6           CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—  
7           Section 2252A of title 18, United States Code, is amend-  
8           ed—

9           (1) in subsection (b)(1), 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”; and

13           (2) in subsection (b)(2), by striking “section  
14           920 of title 10 (article 120 of the Uniform Code of  
15           Military Justice), or under” and inserting “the Uni-  
16           form Code of Military Justice or”.

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

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

23           (1) in subsection (e)(2)(B)—

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

1 (B) by inserting after “under State law”  
2 the following: “or the Uniform Code of Military  
3 Justice”; and

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

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

7 Section 2251 of title 18, United States Code, is  
8 amended—

9 (1) by amending subsections (a) and (b) to read  
10 as follows:

11 “(a) Any person who, in a circumstance described in  
12 subsection (f), knowingly—

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

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

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

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

8           “(5) transports any minor in or affecting inter-  
9           state or foreign commerce with the intent that such  
10          minor be used in the production or live transmission  
11          of a visual depiction of a minor engaged in any sexu-  
12          ally explicit conduct,

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

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

21                 (2) in subsection (c)—

22                         (A) in paragraph (1)—

23                                 (i) by striking “employs, uses, per-  
24                                 suades, induces, entices, or coerces any  
25                                 minor to engage in, or who has a minor as-

1           sist any other person to engage in, any  
2           sexually explicit conduct” and inserting  
3           “engages in any conduct described in para-  
4           graphs (1) through (5) of subsection (a)”;  
5           and

6           (ii) by striking “, for the purpose of  
7           producing any visual depiction of such con-  
8           duct,”;

9           (B) in paragraph (2)(A), by inserting after  
10          “transported” the following: “or transmitted”;  
11          and

12          (C) in paragraph (2)(B), by inserting after  
13          “transports” the following; “or transmits”;  
14          (3) by adding at the end the following:

15          “(f) The circumstances referred to in subsections (a)  
16          and (b) are—

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

19                          “(A) transported or transmitted using any  
20                          means or facility of interstate or foreign com-  
21                          merce;

22                          “(B) transported or transmitted in or af-  
23                          fecting interstate or foreign commerce; or

24                          “(C) mailed;



1           “(2) the visual depiction was produced or trans-  
2           mitted using materials that have been mailed, or  
3           shipped or transported in or affecting interstate or  
4           foreign commerce by any means, including by com-  
5           puter;

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

7                   “(A) transported or transmitted using any  
8                   means or facility of interstate or foreign com-  
9                   merce;

10                   “(B) transported or transmitted in or af-  
11                   fecting interstate or foreign commerce; or

12                   “(C) mailed; or

13           “(4) any part of the offense occurred in a terri-  
14           tory or possession of the United States or within the  
15           special maritime and territorial jurisdiction of the  
16           United States.

17           “(g) Notwithstanding any other provision of this sec-  
18           tion, no criminal charge under subsection (a)(3) may be  
19           brought against an electronic communication service pro-  
20           vider or remote computing service provider unless such  
21           provider has intentionally transmitted or caused to be  
22           transmitted a visual depiction with actual knowledge that  
23           such depiction is of a minor engaged in sexually explicit  
24           conduct, nor may any such criminal charge be brought if  
25           barred by the provisions of section 2258B.”.

1 **SEC. 106. LIMITED LIABILITY FOR CERTAIN PERSONS**  
2 **WHEN RESPONDING TO SEARCH WARRANTS**  
3 **OR OTHER LEGAL PROCESS.**

4 Section 2258B of title 18, United States Code, is  
5 amended—

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

9 (2) in subsection (b)(2)(C), by inserting “the  
10 response to a search warrant or other legal process  
11 or to” before “the performance of any responsi-  
12 bility”.

13 **TITLE II—ADAM WALSH**  
14 **REAUTHORIZATION ACT**

15 **SEC. 201. SHORT TITLE.**

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

18 **SEC. 202. SEX OFFENDER MANAGEMENT ASSISTANCE**  
19 **(SOMA) PROGRAM REAUTHORIZATION.**

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

23 “(d) **AUTHORIZATION OF APPROPRIATIONS.**—There  
24 are authorized to be appropriated to the Attorney General  
25 \$20,000,000 for each of the fiscal years 2018 through  
26 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                               **SORNA.**

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

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

14               (2) in subsection (a)—

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

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

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

20               “(e) **CALCULATION OF ALLOCATION TO UNITS OF**  
21          **LOCAL GOVERNMENT.**—Notwithstanding the formula  
22          under section 505(c) of the Omnibus Crime Control and  
23          Safe Streets Act 1968 (34 U.S.C. 10156(c)), a State  
24          which is subject to a reduction in funding under sub-  
25          section (a) shall—

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

8           “(2) retain for the purposes described in section  
9           501 any amount remaining after the allocation re-  
10          quired by paragraph (1).”.

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

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

16           (1) by striking “Not later than July 1 of each  
17          year” and inserting “On January 1 of each year;”;

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

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

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

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

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

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

6 “(A) are adults;

7 “(B) are juveniles; and

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

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

14 “(A) the percentage of such offenders who  
15 were adjudicated delinquent; and

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

18 **SEC. 208. ENSURING SUPERVISION OF RELEASED SEXU-**

19 **ALLY DANGEROUS PERSONS.**

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

23 (b) **PRETRIAL SERVICES OFFICERS.**—Section 3154  
24 of title 18, United States Code, is amended in paragraph

1 (12)(A) by striking “or 4246” and inserting “, 4246, or  
2 4248”.

3 **SEC. 209. TRIBAL ACCESS PROGRAM.**

4 The Attorney General is authorized to provide tech-  
5 nical assistance, including equipment, to tribal govern-  
6 ments for the purpose of enabling such governments to  
7 access, enter information into, and obtain information  
8 from, Federal criminal information databases, as author-  
9 ized under section 534(d) of title 28, United States Code.  
10 The Department of Justice Working Capital Fund (estab-  
11 lished under section 527 of title 28, United States Code)  
12 may be reimbursed by federally recognized tribes for tech-  
13 nical assistance provided pursuant to this section.

14 **SEC. 210. ALTERNATIVE MECHANISMS FOR IN-PERSON**  
15 **VERIFICATION.**

16 Section 116 of the Adam Walsh Child Protection and  
17 Safety Act of 2006 (34 U.S.C. 20918) is amended—

18 (1) by striking “A sex offender shall” and in-  
19 serting the following:

20 “(a) IN GENERAL.—Except as provided in subsection  
21 (b), a sex offender shall”; and

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

23 “(b) ALTERNATIVE VERIFICATION METHOD.—A ju-  
24 risdiction may allow a sex offender to comply with the re-  
25 quirements under subsection (a) by an alternative

1 verification method approved by the Attorney General, ex-  
2 cept that each offender shall appear in person not less  
3 than one time per year. The Attorney General shall ap-  
4 prove an alternative verification method described in this  
5 subsection prior to its implementation by a jurisdiction in  
6 order to ensure that such method provides for verification  
7 that is sufficient to ensure the public safety.”.

8 **SEC. 211. CLARIFICATION OF AGGRAVATED SEXUAL ABUSE.**

9 Section 111(8) of the Adam Walsh Child Protection  
10 and Safety Act of 2006 (34 U.S.C. 20911(8)) is amended  
11 by inserting “subsection (a) or (b) of” before “section  
12 2241 of title 18, United States Code”.

13 **SEC. 212. COMPREHENSIVE EXAMINATION OF SEX OF-**  
14 **FENDER ISSUES.**

15 Section 634(c) of the Adam Walsh Child Protection  
16 and Safety Act of 2006 is amended by adding at the end  
17 the following:

18 “(3) **ADDITIONAL REPORT.**—Not later than 1  
19 year after the date of enactment of the Adam Walsh  
20 Reauthorization Act of 2018, the National Institute  
21 of Justice shall submit to Congress a report on the  
22 public safety impact, recidivism, and collateral con-  
23 sequences of long-term registration of juvenile sex  
24 offenders, based on the information collected for the  
25 study under subsection (a) and any other informa-



1 tion the National Institute of Justice determines  
2 necessary for such report.”.

3 **SEC. 213. ASSISTING STATES WITH JUVENILE REGISTRA-**  
4 **TION.**

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

8 “(e) **SUBSTANTIAL IMPLEMENTATION FOR JUVENILE**  
9 **REGISTRATION REQUIREMENTS.—**

10 “(1) **IN GENERAL.—**In the case of a jurisdiction  
11 that uses a discretionary process for determining  
12 whether registration under this Act is required for  
13 juveniles 14 years of age or older who are adju-  
14 dicated delinquent for sex offenses described in sec-  
15 tion 111(8), the Attorney General, in assessing  
16 whether the jurisdiction has substantially imple-  
17 mented this title with respect to the registration of  
18 such juveniles, may examine the policies and prac-  
19 tices that the jurisdiction has in place—

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

23 “(B) related to the registration under this  
24 Act of juveniles adjudicated delinquent for such  
25 an offense; and

1           “(C) related to the identification, tracking,  
2           monitoring, or managing of juveniles adju-  
3           dicated delinquent for such offenses who reside  
4           in the jurisdiction, including policies and prac-  
5           tices to ensure that the records of their identi-  
6           ties and sex offenses are available as needed for  
7           public safety purposes.

8           “(2) SUBMISSION BY JURISDICTION.—A juris-  
9           diction described in paragraph (1) shall submit to  
10          the Attorney General an explanation for how the dis-  
11          cretionary process used by the jurisdiction with re-  
12          spect to the registration of juveniles under this Act  
13          should be considered substantial implementation of  
14          this title.

15          “(3) DETERMINATION.—The Attorney General  
16          may determine that a jurisdiction has substantially  
17          implemented this title if the Attorney General deter-  
18          mines that the policies and practices described in  
19          paragraph (1) have resulted or will result in the reg-  
20          istration, identification, tracking, monitoring, or  
21          management of juveniles who commit sex offenses  
22          described in section 111(8), and in the availability of  
23          the identities and sex offenses of such juveniles as  
24          needed for public safety purposes, in a manner that

1 does not substantially disserve the purposes of this  
2 title.”.