

H.R. 4472 [109th]: Adam Walsh Child Protection and Safety Act of 2006

An act to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote Internet safety, and to honor the memory of Adam Walsh and other child crime victims.

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7/27/2006--Public Law.

(This measure has not been amended since it was passed by the Senate on July 20, 2006. The summary of that version is repeated here.)

Adam Walsh Child Protection and Safety Act of 2006 - Recognizes the commitment of John and Reve Walsh to the protection of children from child predators on the 25th anniversary of the abduction and murder of their son, Adam.

Title I - Sex Offender Registration and Notification Act

Sex Offender Registration and Notification Act -

Section 102 -

Declares as the purpose of this Act the establishment of a comprehensive national system for the registration of sex offenders and offenders against children.

Section 103 -

Establishes the Jacob Wetterling, Megan Nicole Kanka, and Pam Lychner Sex Offender Registration and Notification Program.

Subtitle A - Sex Offender Registration and Notification

Section 111 -

Establishes a three-tier classification system for sex offenders based upon specified criteria, including the seriousness of the underlying offense and the age of any child involved.

Defines "sex offense" (to be known as the Amie Zyla Expansion of Sex Offense Definition) to mean: (1) a criminal offense that has an element involving a sexual act or contact or that is a specified offense against a minor; (2) a federal offense involving sex trafficking, sexual abuse, sexual exploitation or abuse of children, or domestic assault; (3) a specified military offense; or (4) an attempt or conspiracy to commit such an offense. Excludes from such definition foreign convictions lacking due process

safeguards and certain offenses involving consensual sexual conduct.

Defines "specified offense against a minor" to include offenses involving kidnapping, false imprisonment, sexual solicitation, video voyeurism, and possession, production, or distribution of child pornography.

Defines "jurisdiction" to include a state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the U.S. Virgin Islands, and federally recognized Indian tribes.

Section 112 -

Requires each jurisdiction to maintain a jurisdiction-wide sex offender registry.

Section 113 -

Requires a sex offender to: (1) register in each jurisdiction where such offender resides, is an employee, and is a student; (2) keep such registration current; and (3) for initial registrations, register in the jurisdiction where convicted if different than jurisdiction of residence. Requires jurisdictions (other than federally recognized Indian tribes) to impose a maximum criminal penalty greater than one year for sex offenders who fail to comply with registration requirements.

Section 114 -

Sets forth the information required in a sex offender's registration, including all addresses and places of employment and license plate numbers of all owned vehicles. Requires jurisdictions to include in a sex offender registry: (1) a physical description, current photograph, criminal history, fingerprints, palm prints, and a DNA sample of the sex offender; (2) the offender's criminal offense; and (3) a photocopy of the offender's driver's license or government-issued identification card.

Section 115 -

Specifies the duration of registration periods for sex offenders based on tier classifications.

Section 116 -

Requires sex offenders to appear in person periodically to verify information in a sex offender registry.

Section 117 -

Requires the appropriate official of a jurisdiction to notify sex offenders of their duty to register prior to release from custody or immediately after sentencing for a sex offense.

Section 118 -

Requires jurisdictions to provide public access to sex offender information through the Internet. Exempts from such disclosure the identity of any victim of a sex offense, the social security number of the sex offender, and any reference to arrests of the sex offender not resulting in conviction.

Section 119 -

Establishes the National Sex Offender Registry. Directs the Attorney General to maintain such registry at the Federal Bureau of Investigation (FBI) and to ensure that updated information about sex offenders is immediately transmitted to all relevant jurisdictions.

Section 120 -

Establishes the Dru Sjodin National Sex Offender Public Website to be maintained by the Attorney General. Requires such Website to include relevant information about sex offenders in each jurisdiction.

Section 121 -

Establishes the Megan Nicole Kanka and Alexandra Nicole Zapp Community Notification Program to provide for notification to the Attorney General, relevant jurisdictions, law enforcement agencies, social service entities, volunteer organizations, and other entities immediately after a sex offender registers or updates

a registration.

Section 122 -

Requires appropriate officials of a jurisdiction to notify the Attorney General and appropriate law enforcement agencies of a failure of a sex offender to register and to note such failure in the jurisdiction's registry.

Section 123 -

Directs the Attorney General to develop and support software to enable jurisdictions to establish and operate uniform sex offender registries and Internet sites. Imposes a two-year deadline for developing such software.

Section 124 -

Requires jurisdictions to implement the requirements of this title before the later of three years after enactment of this Act and one year after the software developed by the Attorney General for sex offender registries becomes available. Authorizes the Attorney General to extend such deadlines.

Section 125 -

Reduces by 10% funding under the Omnibus Crime Control and Safe Street Act of 1968 (OCCSSA) for jurisdictions which fail to implement the requirements of this title.

Section 126 -

Directs the Attorney General to establish and implement a Sex Offender Management Assistance (SOMA) program to award grants to jurisdictions to offset the costs of implementing this title. Authorizes bonus payments to jurisdictions that implement the requirements of this Act within two years of enactment. Authorizes appropriations for SOMA for FY2007-FY2009.

Section 127 -

Permits a federally recognized Indian tribe to elect to carry out the provisions of this subtitle or to delegate its functions to another jurisdiction.

Section 128 -

Directs the Attorney General to establish and maintain a system for notifying jurisdictions of sex offenders entering the United States who are required to register.

Section 129 -

Repeals certain provisions of the Violent Crime Control and Law Enforcement Act of 1994 and the Pam Lychner Sexual Offender Tracking and Identification Act of 1996 relating to sex offender programs.

Section 130 -

Amends the Victims of Child Abuse Act of 1990 to grant civil and criminal immunity to personnel of the National Center for Missing and Exploited Children arising out of the performance of CyberTipline responsibilities and functions, except for certain intentional, reckless, or malicious conduct.

Section 131 -

Grants immunity to the federal government and jurisdictions for good faith conduct in implementing the requirements of this title.

Subtitle B - Improving Federal Criminal Law Enforcement to Ensure Sex Offender Compliance with Registration and Notification Requirements and Protection of Children From Violent Predators

Section 141 -

Amends the federal criminal code to impose a fine and/or prison term of up to 10 years upon convicted sex offenders for failure to register or update a registration as required by the Sex Offender Registration and Notification Act. Allows affirmative defenses to a prosecution for such offense, including an allegation that uncontrollable circumstances prevented registration. Increases criminal penalties for sex offenders who do not register and commit a crime of violence.

Directs the U.S. Sentencing Commission to consider certain criteria in promulgating sentencing guidelines for the crime of failure to register.

Imposes increased criminal penalties for making false statements in a sex offense registration or in connection with certain sex crimes against children.

Modifies probation and supervised release provisions for sex offenders required to register under the Sex Offender Registration and Notification Act.

Requires the Director of the Bureau of Prisons to inform persons released from prison of the duty to register as a sex offender.

Section 142 -

Requires the Attorney General to use federal law enforcement resources, including the U.S. Marshals Service, to assist jurisdictions in locating and apprehending sex offenders who fail to register. Authorizes appropriations.

Section 143 -

Directs the Attorney General to create and maintain a Project Safe Childhood program. Designates funding under such program for: (1) integrated federal, state, and local efforts to investigate and prosecute child exploitation cases; (2) major case coordination by the Department of Justice; (3) increased federal involvement in child pornography and enticement cases; (4) law enforcement training; (5) community awareness and educational programs; (6) the addition of not less than eight Assistant U.S. Attorneys for the prosecution of cases under the program; (7) the addition of not less than 10 new Internet Crimes Against Children task forces within the Internet Crimes Against Children (ICAC) Task Force Program; and (8) the development and enhancement by the Federal Bureau of Investigation (FBI) of the Innocent Images task forces. Authorizes appropriations.

Section 144 -

Directs the Attorney General to provide assistance to jurisdictions in identifying and locating a sex offender relocated due to a major disaster.

Section 145 -

Directs the Attorney General to: (1) expand training and technology efforts to respond to the threat posed by sex offenders who use the Internet and technology to solicit or exploit children; and (2) report to Congress by July 1, 2007, on such efforts. Authorizes appropriations.

Section 146 -

Establishes in the Department of Justice an Office of Sex Offender Sentencing, Monitoring, Apprehending, and Tracking to be headed by a presidentially-appointed Director. Authorizes the Office to: (1) administer the standards for the sex offender registration and notification program; (2) administer grant programs relating to sex offender registration and notification; and (3) cooperate with and provide technical assistance to jurisdictions and other public and private entities involved in sex offender registration or notification activities.

Subtitle C - Access to Information and Resources Needed to Ensure that Children are not Attacked or Abused

Section 151 -

Requires the Attorney General to ensure access to the national crime information databases by: (1) the National Center for Missing and Exploited Children; and (2) governmental social service agencies with child protection responsibilities.

Section 152 -

Amends title IV (Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services) of the Social Security Act to require fingerprint-based checks of the national crime information databases and checks of any state child abuse and neglect registry for prospective foster or adoptive parent placements.

Eliminates as of October 1, 2008, the ability of states to opt-out of such requirements.

Section 153 -

Schools Safely Acquiring Faculty Excellence Act of 2006 - Requires the Attorney General, upon the request of a state, to conduct fingerprint-based checks of the national crime information databases to assist: (1) child welfare agencies in checking backgrounds of individuals under consideration as prospective foster or adoptive parents or in investigating child abuse or neglect incidents; or (2) private or public schools or educational agencies in checking backgrounds of prospective employees. Restricts the disclosure of such fingerprint information and imposes criminal penalties for unauthorized release of such information.

Section 154 -

Amends the Crime Control Act of 1990 to prohibit a state law enforcement agency from removing a missing person from its law enforcement data system or the National Crime Information Center computer database based solely on the age of such person.

Section 155 -

Amends the DNA Analysis Backlog Elimination Act of 2000 to authorize the Attorney General to collect DNA samples from individuals who are facing charges or are convicted, in addition to individuals who are arrested (current law).

Title II - Federal Criminal Law Enhancements Needed to Protect Children from Sexual Attacks and Other Violent Crimes

Section 201 -

Amends the Controlled Substances Act to prohibit the distribution of date rape drugs using the Internet. Authorizes the Attorney General to designate such drugs.

Section 202 -

Imposes mandatory minimum terms of imprisonment for violent crimes against children, including murder, kidnapping, and violence resulting in serious bodily injury using a dangerous weapon.

Section 203 -

Increases mandatory minimum terms of imprisonment for: (1) coercion and enticement of children to engage in prostitution; (2) sexual abuse; (3) aggravated sexual abuse of children; (4) sex trafficking of children.

Increases criminal penalties for: (1) sex crimes against children resulting in death; (2) distribution of materials involving the sexual exploitation of children or child pornography; (3) using misleading Internet domain names to direct children to harmful material; (4) sexual abuse of wards; and (5) failure to report child abuse.

Section 210 -

Requires sex offenders to submit to a search of their person or property as a condition of probation or supervised release.

Section 211 -

Eliminates any statute of limitation for the prosecution of felony sex offenses involving a minor.

Section 212 -

Extends certain rights to crime victims in federal habeas corpus proceedings, including the right not to be excluded from public court proceedings, the right to be reasonably heard, the right to proceedings free from unreasonable delay, and the right to be treated with fairness and respect.

Section 213 -

Modifies the definition of kidnapping to eliminate the requirement that the victim was alive when the victim's transportation began.

Section 214 -

Directs the U.S. Judicial Conference to study the necessity and desirability of

amending the Federal Rules of Evidence to provide that the marital communication and adverse spouse privilege be made inapplicable in any federal criminal proceeding against a spouse who is charged with a crime against a child of, or under the custody or control of, either spouse.

Section 215 -

Includes the crime of felony child abuse or neglect as a crime punishable within Indian country.

Section 216 -

Amends the federal criminal code to impose certain restrictions on the granting of bail to individuals charged with certain crimes against minors.

Title III - Civil Commitment of Dangerous Sex Offenders

Section 301 -

Directs the Attorney General to make grants to jurisdictions for effective civil commitment programs for sexually dangerous persons. Prohibits use of grant money for transitional housing for sexually dangerous persons in locations where minors or other vulnerable individuals are likely to come into contact with such persons. Requires the Attorney General to report to the Judiciary Committees of Congress by January 31 of each year, beginning in 2008, on the progress of jurisdictions in implementing civil commitment programs for sexually dangerous persons and on the rate of sexually violent offenses for each jurisdiction.

Section 302 -

Sets forth procedures for the civil commitment of sexually dangerous persons.

Title IV - Immigration Law Reforms to Prevent Sex Offenders from Abusing Children

Amends the Immigration and Nationality Act to: (1) make failure to register as a sex offender a deportable offense; (2) prohibit convicted child sex offenders from obtaining approval of certain family-based visas.

Title V - Child Pornography Prevention

Section 502 -

Revises recordkeeping requirements for producers of actual sexually explicit conduct to cover digital images or computer-manipulated images of actual human beings. Makes it unlawful for any producer of sexually explicit materials to refuse inspection of its records.

Section 503 -

Imposes new recordkeeping requirements (and penalties for noncompliance) on individuals who produce simulated sexually explicit materials and distribute such materials in interstate commerce. Requires the Attorney General to report to Congress annually on the enforcement of recordkeeping requirements for producers of actual and simulated sexually explicit materials.

Section 504 -

Prohibits the reproduction of child pornography materials by a defendant in a criminal proceeding. Places such materials in the care, custody, and control of the government or the court. Requires that such materials be reasonably available to a defendant and the defendant's attorney or expert witness for inspection, viewing, and examination.

Section 505 -

Revises and expands provisions authorizing civil and criminal asset forfeiture in child sexual exploitation and obscenity cases.

Section 506 -

Amends the federal criminal code to prohibit the production of obscene materials for sale or distribution in interstate commerce (current law prohibits the transportation, distribution, and sale of such materials).

Section 507 -

Authorizes reasonable compensation and payment of expenses for a guardian ad litem to represent children who are victims of, or witnesses to, sexual abuse or exploitation.

Title VI - Grants, Studies, and Programs for Children and Community Safety

Subtitle A - Mentoring Matches for Youth Act

Mentoring Matches for Youth Act of 2006 -

Section 603 -

Authorizes the Administrator of the Office of Juvenile Justice and Delinquency to make grants in FY2007-FY2012 to Big Brothers Big Sisters of America to expand mentoring programs for at-risk youth. Requires Big Brothers Big Sisters to make biannual reports to the Administrator on such mentoring programs. Authorizes appropriations.

Subtitle B - National Police Athletic League Youth Enrichment Act

National Police Athletic League Youth Enrichment Reauthorization Act of 2006 -

Section 614 -

- Reauthorizes grant authority and appropriations through FY2010 for the National Police Athletic League Youth Enrichment program. Requires funds authorized for police athletic league programs to be used for character development and leadership training.

Subtitle C - Grants, Studies, and Other Provisions

Section 621 -

Authorizes the Attorney General to award grants (referred to as Jessica Lunsford and Sarah Lunde Grants) for three years to states, local governments, and Indian tribal governments to outfit sex offenders with electric monitoring units. Requires the Attorney General to: (1) fund different approaches to monitoring to allow an assessment of the effectiveness of the program; and (2) report to Congress on the program by September 1, 2010.

Section 622 -

Amends the federal criminal code to direct the Bureau of Prisons to provide sex offenders with sex offender management and residential sex offender treatment programs. Authorizes appropriations.

Section 623 -

Amends the OCCSSA to authorize the Attorney General to make grants to assist governments and private entities in enforcing sex offender registration requirements and in the treatment of juvenile sex offenders.

Section 624 -

Directs the Attorney General to make grants to help prosecute cases cleared through use of DNA backlog clearance funds.

Section 625 -

Authorizes the Bureau of Justice Assistance to make grants to law enforcement agencies to combat sexual abuse of children. Directs the Attorney General to give priority to law enforcement agencies making a showing of need.

Section 626 -

Amends the OCCSSA to authorize the Attorney General to make grants to private nonprofit entities to promote crime prevention through public outreach and media campaigns.

Section 627 -

Directs the Attorney General to establish and implement a grant program for the voluntary fingerprinting of children. Limits the release of child fingerprint information to a parent or guardian of the child. Authorizes appropriations.

Section 628 -

Directs the Administrator of the Office of Juvenile Justice and Delinquency Prevention

to issue rules, coordinate programs, and provide adequate staffing to implement the annual grant program for the Rape, Abuse & Incest National Network (RAINN).

Section 629 -

Authorizes the Attorney General, in consultation with the National Center for Missing and Exploited Children, to carry out a public awareness campaign to protect children when such children are on the Internet.

Section 630 -

Directs the Attorney General to make grants for online child safety programs.

Section 631 -

Establishes the Jessica Lunsford Address Verification Grant Program to authorize the Attorney General to award grants for the verification of the residence of all or some registered sex offenders. Requires the Attorney General to report to Congress on the verification program by April 1, 2009.

Section 632 -

Directs the U.S. Marshals Service to establish, direct, and coordinate a Fugitive Safe Surrender Program for the safe, secure, and peaceful apprehension of federal, state, and local fugitives.

Section 633 -

Directs the Secretary of Health and Human Services to: (1) create a national registry of substantiated cases of child abuse or neglect; (2) establish standards for the dissemination of information in the registry; and (3) conduct a study on the feasibility of establishing data collection standards for the registry.

Directs the Secretary of Homeland Security to report to specified committees of Congress on the study on data collection standards for a national registry of substantiated cases of child abuse or neglect.

Section 634 -

Directs the National Institute of Justice to conduct a comprehensive study of the control, prosecution, treatment, and monitoring of sex offenders and to report its findings to Congress, through the Internet to the public, to each governor, to the Mayor of the District of Columbia, to territory heads, and to top officials of Indian tribes.

Section 635 -

Directs the Attorney General to make annual reports to Congress (by July 1) on the enforcement of sex offender registration requirements.

Section 636 -

Requires the Government Accountability Office (GAO) to: (1) conduct a study to assess the capabilities of states to use driver's license registration processes as additional registration requirements for sex offenders; and (2) evaluate the effectiveness of certain Nevada statutes relating to sex offender registration.

Section 637 -

Directs the Attorney General to study and report to Congress on risk-based sex offender classification systems.

Section 638 -

Directs the Attorney General to study and report to the House and Senate Judiciary Committees on the effectiveness of monitoring and restricting the activities of sex offenders to reduce the occurrence of repeat offenses.

Section 639 -

Justice for Crime Victims Family Act - Requires the Attorney General to report to the Judiciary Committees on measures needed to improve the performance of homicide investigators and for solving homicides involving missing persons and unidentified human remains.

Authorizes appropriations.

Title VII - Internet Safety Act

Section 701 -

Amends the federal criminal code to: (1) impose criminal penalties for participation in a child exploitation enterprise; (2) increase penalties for registered sex offenders who commit a felony sex offense against a minor; and (3) prohibit the embedding of deceptive words or images in a website to deceive an individual, including a minor, into viewing obscene material.

Section 704 -

Directs the Attorney General to increase by not less than 200 the number of U.S. attorneys and assign such attorneys to prosecute offenses relating to the sexual exploitation of children.

Section 705 -

Directs the Attorney General to increase by not less than 30 the number of computer forensic examiners within the Regional Computer Forensic Laboratories, and requires the Secretary of Homeland Security to increase by not less than 15 the number of such examiners within the Cyber Crimes Center, who shall be dedicated to investigating crimes involving the sexual exploitation of children.

Section 706 -

Directs the Administrator of the Office of Juvenile Justice and Delinquency Prevention to increase by not less than 10 the number of Internet Crimes Against Children (ICAC) Task Forces authorized and funded under the Juvenile Justice and Delinquency Prevention Act of 1974.

Section 707 -

Masha's Law - Revises provisions allowing victims of certain sex-related crimes to seek civil remedies to: (1) allow adults as well as minors to sue for injuries; and (2) increase from \$50,000 to \$150,000 the minimum level of damages.
Authorizes appropriations.

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