

S 2520

Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2002 (PROTECT Act)

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: May 15, 2002

Current Status: Message on Senate action sent to the House.

Latest Action: Message on Senate action sent to the House. (Nov 15, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/2520>

Sponsor

Name: Sen. Hatch, Orrin G. [R-UT]

Party: Republican • **State:** UT • **Chamber:** Senate

Cosponsors (9 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Brownback, Sam [R-KS]	R · KS		May 15, 2002
Sen. DeWine, Mike [R-OH]	R · OH		May 15, 2002
Sen. Edwards, John [D-NC]	D · NC		May 15, 2002
Sen. Hutchinson, Tim [R-AR]	R · AR		May 15, 2002
Sen. Leahy, Patrick J. [D-VT]	D · VT		May 15, 2002
Sen. Sessions, Jeff [R-AL]	R · AL		May 15, 2002
Sen. Grassley, Chuck [R-IA]	R · IA		Jun 11, 2002
Sen. Lincoln, Blanche L. [D-AR]	D · AR		Jun 18, 2002
Sen. Bennett, Robert F. [R-UT]	R · UT		Oct 17, 2002

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Nov 14, 2002

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2002 (PROTECT Act) - (Sec. 3) Amends Federal criminal code provisions regarding activities relating to material constituting or containing child pornography to prohibit: (1) advertising, promoting, distributing, or soliciting through the mails or in interstate or foreign commerce any material or purported material in a manner that conveys the impression that it contains an obscene visual depiction of a minor engaging in sexually explicit conduct; or (2) knowingly distributing, offering, sending, or providing to a minor any such visual depiction that has been transported in interstate or foreign commerce and that was produced using materials that have been so transported for purposes of inducing such minor to participate in any illegal activity.

(Sec. 4) Makes certain information identifying minors depicted in child pornography, on motion of the Government, except for good cause shown, inadmissible and subject to redaction from any otherwise admissible evidence in any prosecution of such an act. Increases penalties for violation of record-keeping requirements.

(Sec. 5) Modifies the definition of "minor" to provide that it shall not be construed to require proof of the actual identity of the person under age 18. Revises the definition of "child pornography" to include any visual depiction of sexually explicit conduct: (1) that is, or appears to be, of a minor actually engaging in bestiality, sadistic or masochistic abuse, or sexual intercourse, whether between persons of the same or opposite sex; and (2) that lacks serious literary, artistic, political, or scientific value; or (3) the production of which involves the use of an identifiable minor engaging in sexually explicit conduct. Amends the definition of "identifiable minor" to include a computer or computer generated image that is virtually indistinguishable from an actual minor. Defines "virtually indistinguishable" to mean that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor.

(Sec. 6) Revises the definition of "produces" to cover computer generated images or pictures. Increases penalties for violating prohibitions against sexual exploitation of children.

(Sec. 7) Amends the Victims of Child Abuse Act of 1990 to: (1) authorize disclosure to State officials by a law enforcement agency of a report of child pornography by an electronic communication service provider indicating a violation of State criminal law; and (2) authorize disclosure of child pornography by such a service provider to the National Center for Missing and Exploited Children.

(Sec. 9) Sets penalties for employing, using, persuading, inducing, enticing, or coercing a minor to engage in, or having a minor assist any other person to engage in, sexually explicit conduct outside of the United States for the purpose of producing any visual depiction of such conduct, intending that such depiction be transported to, or transporting it to, the United States.

(Sec. 10) Authorizes civil remedies for offenses relating to material constituting or containing child pornography.

(Sec. 11) Makes persons previously convicted of obscenity eligible for enhanced recidivist penalties for sexual child exploitation.

(Sec. 12) Directs the United States Sentencing Commission to review the Federal sentencing guidelines to ensure that penalties are adequate in cases that involve interstate travel with intent to engage in a sexual act with a juvenile.

(Sec. 13) Directs the Attorney General to: (1) appoint 25 additional trial attorneys to focus on the investigation and prosecution of Federal child pornography laws (authorizes appropriations); and (2) report to specified congressional officials on Federal enforcement actions regarding sexual exploitation of children, including an evaluation of prosecutions brought, an outcome-based measurement of performance, and an analysis of the technology being used by the child

pornography industry.

Directs the Commission to review and amend sentencing guidelines and policy statements to ensure that such guidelines are adequate to deter and punish conduct involving a violation under this Act.

Actions Timeline

- **Nov 15, 2002:** Received in the House.
- **Nov 15, 2002:** Held at the desk.
- **Nov 15, 2002:** Message on Senate action sent to the House.
- **Nov 14, 2002:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Nov 14, 2002:** Committee on the Judiciary. Reported with an amendment in the nature of a substitute. Without written report.
- **Nov 14, 2002:** Committee on the Judiciary. Reported with an amendment in the nature of a substitute. Without written report.
- **Nov 14, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 759.
- **Nov 14, 2002:** Passed/agreed to in Senate: Passed Senate with an amendment by Unanimous Consent.(consideration: CR S11150-11153; text as passed Senate: CR S11150-11153)
- **Nov 14, 2002:** Passed Senate with an amendment by Unanimous Consent. (consideration: CR S11150-11153; text as passed Senate: CR S11150-11153)
- **Oct 16, 2002:** Sponsor introductory remarks on measure. (CR S10487-10488)
- **Oct 2, 2002:** Committee on the Judiciary. Hearings held. Hearings printed: S.Hrg. 107-974.
- **May 15, 2002:** Introduced in Senate
- **May 15, 2002:** Sponsor introductory remarks on measure. (CR S4391-4392)
- **May 15, 2002:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S4392-4393)