

HR 1104

Child Abduction Prevention Act

Congress: 108 (2003–2005, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Mar 5, 2003

Current Status: Laid on the table. See S. 151 for further action.

Latest Action: Laid on the table. See S. 151 for further action. (Mar 27, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/house-bill/1104>

Sponsor

Name: Rep. Sensenbrenner, F. James, Jr. [R-WI-5]

Party: Republican • **State:** WI • **Chamber:** House

Cosponsors (44 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Chabot, Steve [R-OH-1]	R · OH		Mar 5, 2003
Rep. Coble, Howard [R-NC-6]	R · NC		Mar 5, 2003
Rep. Green, Mark [R-WI-8]	R · WI		Mar 5, 2003
Rep. Hyde, Henry J. [R-IL-6]	R · IL		Mar 5, 2003
Rep. Smith, Lamar [R-TX-21]	R · TX		Mar 5, 2003
Rep. Baker, Richard H. [R-LA-6]	R · LA		Mar 13, 2003
Rep. Brady, Kevin [R-TX-8]	R · TX		Mar 13, 2003
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Mar 13, 2003
Rep. DeLay, Tom [R-TX-22]	R · TX		Mar 13, 2003
Rep. Dunn, Jennifer [R-WA-8]	R · WA		Mar 13, 2003
Rep. Foley, Mark [R-FL-16]	R · FL		Mar 13, 2003
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Mar 13, 2003
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		Mar 13, 2003
Rep. Simmons, Rob [R-CT-2]	R · CT		Mar 13, 2003
Rep. Terry, Lee [R-NE-2]	R · NE		Mar 13, 2003
Rep. Upton, Fred [R-MI-6]	R · MI		Mar 13, 2003
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		Mar 18, 2003
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Mar 18, 2003
Rep. Bradley, Jeb [R-NH-1]	R · NH		Mar 18, 2003
Rep. Brown-Waite, Ginny [R-FL-5]	R · FL		Mar 18, 2003
Rep. Feeney, Tom [R-FL-24]	R · FL		Mar 18, 2003
Rep. Franks, Trent [R-AZ-2]	R · AZ		Mar 18, 2003
Rep. Gallegly, Elton [R-CA-24]	R · CA		Mar 18, 2003
Rep. Gilchrest, Wayne T. [R-MD-1]	R · MD		Mar 18, 2003
Rep. Greenwood, James C. [R-PA-8]	R · PA		Mar 18, 2003
Rep. Hart, Melissa A. [R-PA-4]	R · PA		Mar 18, 2003
Rep. Isakson, Johnny [R-GA-6]	R · GA		Mar 18, 2003
Rep. Kennedy, Mark R. [R-MN-6]	R · MN		Mar 18, 2003
Rep. King, Steve [R-IA-5]	R · IA		Mar 18, 2003
Rep. LaTourette, Steven C. [R-OH-14]	R · OH		Mar 18, 2003
Rep. McKeon, Howard P. "Buck" [R-CA-25]	R · CA		Mar 18, 2003
Rep. Petri, Thomas E. [R-WI-6]	R · WI		Mar 18, 2003
Rep. Reynolds, Thomas M. [R-NY-26]	R · NY		Mar 18, 2003
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Mar 18, 2003
Rep. Royce, Edward R. [R-CA-40]	R · CA		Mar 18, 2003
Rep. Spratt, John M., Jr. [D-SC-5]	D · SC		Mar 18, 2003
Rep. Sullivan, John [R-OK-1]	R · OK		Mar 18, 2003
Rep. Sweeney, John E. [R-NY-20]	R · NY		Mar 18, 2003
Rep. Wamp, Zach [R-TN-3]	R · TN		Mar 18, 2003
Rep. Wilson, Joe [R-SC-2]	R · SC		Mar 18, 2003
Rep. Diaz-Balart, Mario [R-FL-25]	R · FL		Mar 19, 2003

Cosponsor	Party / State	Role	Date Joined
Rep. Platts, Todd Russell [R-PA-19]	R · PA		Mar 19, 2003
Rep. Pomeroy, Earl [D-ND-At Large]	D · ND		Mar 19, 2003
Rep. Vitter, David [R-LA-1]	R · LA		Mar 19, 2003

Committee Activity

Committee	Chamber	Activity	Date
Education and Workforce Committee	House	Discharged From	Mar 24, 2003
Judiciary Committee	House	Reported by	Mar 11, 2003
Transportation and Infrastructure Committee	House	Referred to	Mar 6, 2003

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
108 S 151	Procedurally related	Apr 30, 2003: Became Public Law No: 108-21.
108 HRES 160	Procedurally related	Mar 26, 2003: Motion to reconsider laid on the table Agreed to without objection.
108 HR 1263	Related bill	Mar 17, 2003: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

Child Abduction Prevention Act - **Title I: Sanctions and Offenses** - (Sec. 101) Amends the Federal criminal code to: (1) make the authorized term of supervised release after imprisonment any term of years or life, and to require a sentence to include a term of supervised release of at least five years, for kidnaping involving a minor and for other specified felony offenses (aggravated sexual abuse, sexual abuse, abusive sexual contact, sexual exploitation of children, selling or buying of children, certain activities relating to material involving the sexual exploitation of minors and material constituting or containing child pornography, production of sexually explicit depictions of a minor for importation into the United States, transportation for illegal sexual activity, coercion and enticement to engage in criminal sexual activity, transportation of minors with intent to engage in criminal sexual activity or in a sexual act with a juvenile, or use of interstate facilities to transmit information about a minor with intent to solicit any person to engage in criminal sexual activity) (listed offenses); (2) include aggravated child abuse and child torture murders within the scope of the definition of first degree murder; and (3) increase penalties for sexual exploitation and other abuse of children, for transportation for illegal sexual activity and related crimes, and for kidnaping children.

(Sec. 105) Expands the prohibitions on, and increases penalties for, traveling in or into the United States or in foreign commerce to engage in illicit sexual conduct.

(Sec. 106) Provides for mandatory life imprisonment of a person convicted of a Federal sex offense against a minor if the person has a prior sex conviction in which a minor was the victim, unless a death sentence is imposed.

(Sec.107) Establishes criminal liability for attempting to remove a child from the United States with intent to obstruct the lawful exercise of parental rights.

(Sec. 108) Prohibits knowingly using a misleading domain name with the intent to: (1) deceive a person into viewing obscenity on the Internet; or (2) deceive a minor into viewing on the Internet material that is harmful to minors.

(Sec. 109) Authorizes the court to deviate from the Federal sentencing guidelines upon finding that there exists a mitigating circumstance of a kind or to a degree that: (1) has been affirmatively and specifically identified in the sentencing guidelines or policy statements as a permissible ground of downward departure (imposition of a sentence below the range established by such guidelines), taking account any amendments to such guidelines or policy statements by act of Congress; (2) has not adequately been taken into consideration by the U.S. Sentencing Commission in formulating the guidelines; and (3) should result in a sentence different from that described. Amends the Federal judicial code to authorize imposition of a sentence below the range established by applicable guidelines under such circumstances. Sets forth policy statements regarding: (1) specific offender characteristics as grounds for downward departure (including, under specified circumstances, age and extraordinary physical impairment but excluding drug, alcohol, or gambling dependence or abuse); and (2) early disposition programs as a ground for downward departure.

Requires the Chief Judge of each district court to ensure that the report submitted to the Commission by the sentencing court within 30 days following entry of judgment in every criminal case includes: (1) the judgment and commitment order; (2) the statement of reasons for the sentence imposed (including the reason for any departure from the otherwise applicable guideline range); (3) any plea agreement; (4) the indictment or other charging document; and (5) the pre-sentence report.

Directs the Commission: (1) upon request, to make available to the House and Senate Judiciary Committees the written reports and all underlying records accompanying those reports, as well as other records received from courts; and (2) to submit to Congress at least annually an analysis of these documents, any recommendations for legislation that the

Commission concludes is warranted by that analysis, and an accounting of those districts that the Commission believes have not submitted the appropriate information and documents required.

Modifies the Guidelines Manual of the Commission to provide for specified offense level increases if the offense involved: (1) material that portrays sadistic or masochistic conduct or other depictions of violence (up four levels); and (2) specified numbers of images (up from two to five levels). States that the defendant engaged in a pattern of activity involving prohibited sexual conduct if, on at least two separate occasions, the defendant engaged in prohibited sexual conduct with a minor.

Requires the Attorney General to report to the House and Senate Judiciary Committees: (1) not later than 15 days after a district court's grant of a downward departure in any case other than one involving such a departure for substantial assistance to authorities, setting forth the case, the facts involved, the identity of the district court judge, the district court's stated reasons, whether the court provided the United States with advance notice of its intention to depart, the position of the parties with respect to the departure, whether the United States has filed or intends to file a motion for reconsideration, whether the defendant has filed a notice of appeal concerning any aspect of the case, and whether the United States has filed or intends to file a notice of appeal of the departure; and (2) not later than five days after the Solicitor General decides whether to authorize an appeal of the departure, informing the committees of the decision and the basis for it.

Title II: Investigations and Prosecutions - Subtitle A: Law Enforcement Tools to Protect Children - (Sec. 201)

Authorizes the interception of wire, oral, or electronic communications in the investigation of kidnaping, sex trafficking, specified sex offenses against children, or transportation for illegal sexual activity.

(Sec. 202) Eliminates statutes of limitations for child abduction and for listed offenses (see section 101).

Subtitle B: No Pretrial Release for Those Who Rape or Kidnap Children - (Sec. 221) Bars pretrial release for persons charged with listed offenses (see section 101).

(Sec. 222) Amends the Victims of Child Abuse Act of 1990 to require, with respect to the regional children's advocacy program, that grant recipients provide such information and documentation as the Attorney General shall require on an annual basis regarding the use of such funds to evaluate the effect of grants on the community response to child abuse. Authorizes appropriations.

Subtitle C: No Waiting Period To Report Missing Children ("Suzanne's Law") - (Sec. 241) Requires Federal, State, and local law enforcement agencies to report each case of a missing child under age 21 (currently, 18) reported to them to the National Crime Information Center.

Title III: Public Outreach - (Sec. 301) Directs the Attorney General to assign a national AMBER Alert Coordinator. Requires the Coordinator, by March 1, 2005, to submit to Congress a report on the Coordinator's activities and the effectiveness and status of the AMBER plans of each State that has implemented such a plan.

(Sec. 302) Directs the Coordinator to establish minimum standards for the issuance of alerts and the extent of alert dissemination, which shall provide that: (1) appropriate information relating to the special needs of an abducted child (including health care needs) is disseminated to the appropriate law enforcement, public health, and other public officials; and (2) the dissemination of an alert through the AMBER Alert communications network is limited to the geographic areas most likely to facilitate the recovery of the abducted child concerned.

(Sec. 303) Requires the Secretary of Transportation to carry out a program to provide grants to States for the development or enhancement of notification or communications systems along highways for alerts for the recovery of abducted children, including grants for State programs for the use of changeable message signs or other motorist information systems to notify motorists about abductions. Limits the Federal share to 80 percent of the cost of funded activities. Authorizes appropriations for FY 2004. Directs the Secretary to study and report to Congress on State barriers to the adoption and implementation of programs for the use of such systems.

(Sec. 304) Requires the Attorney General to carry out a program to provide grants to States for the development or enhancement of programs and activities for the support of AMBER Alert communications plans. Limits the Federal share to 50 percent of the cost of funded activities. Authorizes appropriations for FY 2004.

(Sec. 305) Authorizes increased appropriations for the National Center for Missing and Exploited Children for FY 2004 and 2005.

(Sec. 306) Authorizes the use of COPS (Cops on the Beat, community policing) grants to assist a State in enforcing a convicted sex offender registration law.

(Sec. 307) Directs the Attorney General to study and report to Congress regarding State programs to collect fingerprints and perform background checks on individuals that seek to volunteer with organizations that work with children, the elderly, or the disabled.

(Sec. 308) Authorizes Secret Service officers and agents, at the request of any State or local law enforcement agency or of the National Center for Missing and Exploited Children, to provide forensic and investigative assistance in support of any investigation involving missing or exploited children.

Title IV: Missing Children Procedures in Public Buildings - Code Adam Act - (Sec. 403) Requires the designated authority for a public building to establish procedures for locating a child who is missing in the building. Directs that procedures established under this section provide, at a minimum, for: (1) notifying security personnel that a child is missing; (2) obtaining a detailed description of the child; (3) issuing a Code Adam alert and providing a description of the child using a fast and effective means of communication; (4) establishing a central point of contact; (5) monitoring all points of egress from the building while such alert is in effect; (6) conducting a thorough search of the building; (7) contacting local law enforcement; and (8) documenting the incident.

Title V: Additional Provisions - (Sec. 502) Prohibits: (1) making a visual depiction that is a digital image, computer image, or computer-generated image of, or that is indistinguishable from an image of, a minor engaging in specified sexually explicit conduct; (2) offering, agreeing, attempting, or conspiring to provide, sell, receive, or purchase a visual depiction of a minor engaging in such conduct; (3) producing distributing, receiving or possessing with intent to distribute, or possessing a visual depiction that is, or is virtually indistinguishable from, that of a pre-pubescent child engaging in such conduct; (4) producing, distributing, receiving, or possessing with intent to distribute a visual depiction of any kind, including a drawing, cartoon, sculpture, or painting, that, under specified circumstances, depicts a minor engaging in sexually explicit conduct and that is obscene; (5) showing a minor obscene material or child pornography; (6) providing obscene material, child pornography, or other material assistance to facilitate offenses against minors; or (7) employing or coercing a minor to engage in sexually explicit conduct outside of the United States for the purpose of producing a visual depiction of such conduct.

(Sec. 507) Provides enhanced penalties under the Federal criminal code and the Uniform Code of Military Justice for recidivists with respect to child pornography, sexual abuse, and transportation for illegal sexual activity and related

crimes.

(Sec. 508) Amends the Victims of Child Abuse Act of 1990 to authorize a provider of electronic communication or remote computing services that reasonably believes it has obtained knowledge of facts and circumstances indicating a State criminal law child pornography violation to disclose such information to an appropriate State or local law enforcement official. Authorizes the National Center for Missing and Exploited Children to forward to such an official any report of facts or circumstances indicating a violation of child pornography prohibitions by a provider of electronic communication service or remote computing services.

(Sec. 510) Amends provisions regarding transactional information that may be obtained through an administrative subpoena issued with respect to the sexual exploitation or abuse of children, in order to be consistent with provisions regarding required disclosure of customer communications or records.

(Sec. 511) Authorizes the interception of communications in the investigation of offenses involving obscene visual representations of young children or sexual abuse of minors.

(Sec. 512) Directs the Attorney General to: (1) report to Congress detailing the number of times since January 1993 that the Department of Justice has inspected the records of any producer of materials with respect to sexual abuse and other exploitation of children; and (2) indicate the number of violations prosecuted as a result of those inspections.

Actions Timeline

- **Mar 27, 2003:** Considered under the provisions of rule H. Res. 160. (consideration: CR H2405-2443)
- **Mar 27, 2003:** Rule provides for consideration of H.R. 1104 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Measure will be considered read. Specified amendments are in order. After passage of H.R. 1104, it shall be in order to consider in the House S. 151. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1104 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then
- **Mar 27, 2003:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 160 and Rule XXIII.
- **Mar 27, 2003:** The Speaker designated the Honorable Fred Upton to act as Chairman of the Committee.
- **Mar 27, 2003:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1104.
- **Mar 27, 2003:** DEBATE - Pursuant to the provisions of H. Res. 160, the Committee of the Whole proceeded with 10 minutes of debate on the Pence amendment.
- **Mar 27, 2003:** DEBATE - Pursuant to the provisions of H. Res. 160, the Committee of the Whole proceeded with 20 minutes of debate on the Feeney amendment.
- **Mar 27, 2003:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Feeney amendment, the Chair put the question on adoption of the amendment and by voice vote, the Chair announced that the ayes had prevailed. Mr. Feeney demanded a recorded vote and further proceedings on the adoption of the amendment were postponed until later in the legislative day.
- **Mar 27, 2003:** DEBATE - Pursuant to the provisions of H. Res. 160, the Committee of the Whole proceeded with 10 minutes of debate on the Pomeroy amendment.
- **Mar 27, 2003:** DEBATE - Pursuant to the provisions of H. Res. 160, the Committee of the Whole proceeded with 10 minutes of debate on the Foley amendment.
- **Mar 27, 2003:** DEBATE - Pursuant to the provisions of H. Res. 160, the Committee of the Whole proceeded with 10 minutes of debate on the Carter amendment.
- **Mar 27, 2003:** DEBATE - Pursuant to the provisions of H. Res. 160, the Committee of the Whole proceeded with 10 minutes of debate on the Lampson amendment.
- **Mar 27, 2003:** DEBATE - Pursuant to the provisions of H. Res. 160, the Committee of the Whole proceeded with 10 minutes of debate on the Acevedo-Vila amendment.
- **Mar 27, 2003:** DEBATE - Pursuant to the provisions of H. Res. 160, the Committee of the Whole proceeded with 20 minutes of debate on the Smith (TX) amendment.
- **Mar 27, 2003:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Smith (TX) amendment, the Chair put the question on adoption of the amendment and by voice vote, the Chair announced that the ayes had prevailed. Mr. Smith (TX) demanded a recorded vote and further proceedings on the adoption of the amendment were postponed until later in the legislative day.
- **Mar 27, 2003:** PROCEEDINGS RESUMED - The Chair announced that the Committee of the Whole would now resume proceedings on the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Mar 27, 2003:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1104.
- **Mar 27, 2003:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (consideration: CR H2437-2438; text: CR H2416-2418)
- **Mar 27, 2003:** The previous question was ordered pursuant to the rule.
- **Mar 27, 2003:** Passed/agreed to in House: On passage Passed by recorded vote: 410 - 14 (Roll no. 89).
- **Mar 27, 2003:** On passage Passed by recorded vote: 410 - 14 (Roll no. 89).
- **Mar 27, 2003:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 27, 2003:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1104.
- **Mar 27, 2003:** Laid on the table. See S. 151 for further action.
- **Mar 26, 2003:** Rule H. Res. 160 passed House.

Mar 25, 2003: Rules Committee Resolution H. Res. 160 Reported to House. Rule provides for consideration of H.R. 1104 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Measure will be considered read. Specified amendments are in order. After passage of H.R. 1104, it shall be in order to consider in the House S. 151. All points of order against the Senate bill and against its consideration are waived. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1104 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then

- **Mar 24, 2003:** Reported (Amended) by the Committee on Judiciary. H. Rept. 108-47, Part I.
- **Mar 24, 2003:** Reported (Amended) by the Committee on Judiciary. H. Rept. 108-47, Part I.
- **Mar 24, 2003:** House Committee on Transportation Granted an extension for further consideration ending not later than March 24, 2003.
- **Mar 24, 2003:** House Committee on Education and the Workforce Granted an extension for further consideration ending not later than March 24, 2003.
- **Mar 24, 2003:** Committee on Transportation discharged.
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- **Mar 24, 2003:** Committee on Education and the Workforce discharged.
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- **Mar 24, 2003:** Placed on the Union Calendar, Calendar No. 29.
- **Mar 18, 2003:** Committee Consideration and Mark-up Session Held.
- **Mar 18, 2003:** Ordered to be Reported (Amended) by the Yeas and Nays: 18 - 2.
- **Mar 11, 2003:** Subcommittee Hearings Held.
- **Mar 11, 2003:** Subcommittee Consideration and Mark-up Session Held.
- **Mar 11, 2003:** Forwarded by Subcommittee to Full Committee by Voice Vote.
- **Mar 7, 2003:** Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.
- **Mar 6, 2003:** Referred to the Subcommittee on Highways, Transit and Pipelines.
- **Mar 5, 2003:** Introduced in House
- **Mar 5, 2003:** Introduced in House
- **Mar 5, 2003:** Referred to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
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