

HR 3132

Children's Safety Act of 2005

Congress: 109 (2005–2007, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Jun 30, 2005

Current Status: Received in the Senate and Read twice and referred to the Committee on the Judiciary.

Latest Action: Received in the Senate and Read twice and referred to the Committee on the Judiciary. (Sep 15, 2005)

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Sponsor

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

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

Cosponsors (88 total)

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Rep. Gallegly, Elton [R-CA-24]	R · CA		Jul 19, 2005
Rep. Herseth, Stephanie [D-SD-At Large]	D · SD		Jul 19, 2005
Rep. Jenkins, William L. [R-TN-1]	R · TN		Jul 19, 2005
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Rep. Boustany, Charles W., Jr. [R-LA-7]	R · LA		Jul 20, 2005
Rep. Granger, Kay [R-TX-12]	R · TX		Jul 20, 2005
Rep. Kuhl, John R. "Randy", Jr. [R-NY-29]	R · NY		Jul 20, 2005
Rep. Terry, Lee [R-NE-2]	R · NE		Jul 20, 2005
Rep. Wilson, Joe [R-SC-2]	R · SC		Jul 20, 2005
Rep. Goode, Virgil H., Jr. [R-VA-5]	R · VA		Jul 25, 2005
Rep. Green, Gene [D-TX-29]	D · TX		Jul 25, 2005
Rep. Hart, Melissa A. [R-PA-4]	R · PA		Jul 25, 2005
Rep. Latham, Tom [R-IA-4]	R · IA		Jul 25, 2005
Rep. Miller, Gary G. [R-CA-42]	R · CA		Jul 25, 2005
Rep. Osborne, Tom [R-NE-3]	R · NE		Jul 25, 2005
Rep. Pryce, Deborah [R-OH-15]	R · OH		Jul 25, 2005

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Rep. Wolf, Frank R. [R-VA-10]	R · VA		Jul 25, 2005
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Jul 26, 2005
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Rep. Ross, Mike [D-AR-4]	D · AR		Jul 27, 2005
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Rep. Harris, Katherine [R-FL-13]	R · FL		Jul 28, 2005
Rep. LoBiondo, Frank A. [R-NJ-2]	R · NJ		Jul 28, 2005
Rep. Pickering, Charles W. "Chip" [R-MS-3]	R · MS		Jul 28, 2005
Rep. Price, Tom [R-GA-6]	R · GA		Jul 28, 2005
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Jul 28, 2005
Rep. Schiff, Adam B. [D-CA-29]	D · CA		Jul 28, 2005
Rep. Souder, Mark E. [R-IN-3]	R · IN		Jul 28, 2005
Rep. Weldon, Curt [R-PA-7]	R · PA		Jul 28, 2005
Rep. Westmoreland, Lynn A. [R-GA-8]	R · GA		Jul 28, 2005
Rep. Whitfield, Ed [R-KY-1]	R · KY		Jul 28, 2005
Rep. Barrow, John [D-GA-12]	D · GA		Sep 6, 2005
Rep. Boehlert, Sherwood [R-NY-24]	R · NY		Sep 6, 2005
Rep. Boozman, John [R-AR-3]	R · AR		Sep 6, 2005
Rep. Fossella, Vito [R-NY-13]	R · NY		Sep 6, 2005
Rep. Gibbons, Jim [R-NV-2]	R · NV		Sep 6, 2005
Rep. Lungren, Daniel E. [R-CA-3]	R · CA		Sep 6, 2005
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Sep 6, 2005
Rep. McHugh, John M. [R-NY-23]	R · NY		Sep 6, 2005
Rep. McIntyre, Mike [D-NC-7]	D · NC		Sep 6, 2005
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Rep. Ryan, Paul [R-WI-1]	R · WI		Sep 6, 2005
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Sep 6, 2005
Rep. Walden, Greg [R-OR-2]	R · OR		Sep 6, 2005

Cosponsor	Party / State	Role	Date Joined
Rep. Calvert, Ken [R-CA-44]	R · CA		Sep 8, 2005
Rep. Hastings, Doc [R-WA-4]	R · WA		Sep 8, 2005
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Sep 8, 2005
Rep. Sessions, Pete [R-TX-32]	R · TX		Sep 8, 2005
Rep. Smith, Adam [D-WA-9]	D · WA		Sep 8, 2005

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Sep 13, 2005
Judiciary Committee	Senate	Referred To	Sep 15, 2005
Ways and Means Committee	House	Discharged From	Sep 9, 2005

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
109 HR 4472	Related bill	Jul 27, 2006: Became Public Law No: 109-248.
109 HR 4905	Related bill	Mar 8, 2006: Referred to the House Committee on the Judiciary.
109 HRES 436	Procedurally related	Sep 14, 2005: Motion to reconsider laid on the table Agreed to without objection.
109 HR 3133	Related bill	Aug 23, 2005: Referred to the Subcommittee on Crime, Terrorism, and Homeland Security.

Children's Safety Act of 2005 - **Title I: Sex Offender Registration and Notification Act** - Sex Offender Registration and Notification Act - **Subtitle A: Jacob Wetterling Sex Offender Registration and Notification Program** - (Sec. 111)

Includes within the definition of a "sex offender" for purposes of this title an individual convicted of, or adjudicated a juvenile delinquent for, a serious sex offense or a specified offense (including a misdemeanor sex offense) against a minor.

(Sec. 112) Requires each state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, the U.S. Virgin Islands, and each federally recognized Indian tribe to maintain a sex offender registry.

(Sec. 113) Requires a sex offender to register, and keep the registration current, in each jurisdiction where the offender resides, is an employee, and is a student. Directs the offender to 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 five days after being sentenced for that offense, if the offender is not sentenced to a term of imprisonment.

Requires: (1) the offender to inform each jurisdiction involved within five days after each change of residence, employment, or student status; (2) the Attorney General to prescribe a method for the registration of sex offenders convicted before this Act's enactment or its effective date in a particular jurisdiction; and (3) each jurisdiction other than a federally recognized Indian tribe to provide a criminal penalty, including a maximum term of imprisonment that is greater than one year and a minimum term that is no less than 90 days, for the failure of an offender to comply with this title's requirements.

(Sec. 114) Lists information that the offender must provide for inclusion in the registry, including name and aliases, Social Security number, residence, place of employment, place where the offender is a student, license plate number, photograph, fingerprints and palm prints, and DNA sample. Requires the jurisdiction to include a statement of the facts of the offense giving rise to the registration requirement, including whether the offender was prosecuted as a juvenile and the offender's criminal history.

(Sec. 115) Requires an offender to keep the registration current: (1) for the life of the 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 20-year period (excluding any time the offender is in custody or civilly committed) in any other case.

(Sec. 116) Requires an offender to appear in person and verify the information in each registry at least every six months.

(Sec. 117) Requires the appropriate official, shortly before release from custody of the offender (or if the offender is not in custody, immediately after sentencing), to: (1) inform and explain to the offender the duty to register; (2) require the offender to sign a form stating that the offender understands the registration requirement; and (3) ensure that the offender is registered.

(Sec. 118) Establishes the Jessica Lunsford Address Verification program, under which an appropriate official shall verify the residence of each registered offender at least monthly (or in the case of an offender required to register because of a misdemeanor sex offense against a minor, at least quarterly). Allows such verification to be achieved by mailing a nonforwardable verification form to the offender's last known address, which the offender must return within a set period.

(Sec. 119) Directs the Attorney General to maintain a national database (known as the National Sex Offender Registry) at

the Federal Bureau of Investigation (FBI) for each offender and for each other person required to register in a jurisdiction's registry.

(Sec. 120) Establishes the Dru Sjodin National Sex Offender Public website. Requires the Attorney General to: (1) maintain the website as a site on the Internet which allows the public to obtain relevant information for each offender by a single query; and (2) ensure that updated information about an offender is immediately transmitted by electronic forwarding to all relevant jurisdictions.

(Sec. 121) Requires each jurisdiction to make available and readily accessible on the Internet all information about each offender in the registry, except for the offender's Social Security number, the victim's identity, and any other information exempted by the Attorney General. Makes an exception for information about an offender required to register for committing a misdemeanor sex offense against a minor who has attained age 16.

(Sec. 122) Establishes the Megan Nicole Kanka and Alexandra Nicole Zapp Community Program, under which an appropriate jurisdiction official, within five days after an offender registers or updates a registration, shall provide information about that offender to: (1) the Attorney General for inclusion in the National Sex Offender Registry; (2) appropriate law enforcement agencies and each school and public housing agency in each area in which the individual resides, is employed, or is a student; (3) each jurisdiction from or to which a change of residence, work, or student status occurs; (4) any agency responsible for conducting employment-related background checks under the National Child Protection Act of 1993; (5) social service entities responsible for protecting minors in the child welfare system; and (6) volunteer organizations in which contact with minors or other vulnerable individuals might occur.

(Sec. 123) Requires: (1) an appropriate official to notify the Attorney General and appropriate state and local law enforcement agencies of any failure by an offender to comply with registry requirements; and (2) those officials to take action to ensure compliance.

(Sec. 124) Grants the jurisdictions and their entities and personnel immunity from liability for good faith conduct under this title.

(Sec. 125) Directs the Attorney General to develop and support software for maintaining and sharing offender registries.

(Sec. 126) Requires: (1) the Department of Justice (DOJ), if the Attorney General determines that a jurisdiction does not have a minimally sufficient sex offender registration program, to carry out the duties imposed on that jurisdiction by this title; and (2) each jurisdiction to implement this title within two years (authorizes a one-year extension).

(Sec. 128) Directs that 10% of Byrne grants and Local Government Law Enforcement Block (LGLEB) grants be withheld from jurisdictions that fail to implement this title. Reallocates such funds to other jurisdictions.

(Sec. 129) Directs to Attorney General to establish and implement a Sex Offender Management Assistance program, under which the Attorney General may award a grant to a jurisdiction to offset the costs of implementing this title. Makes a jurisdiction that has implemented this title within two years eligible for a bonus payment. Authorizes appropriations.

(Sec. 130) Directs the Attorney General to carry out a demonstration project under which grants are made to jurisdictions to demonstrate the extent to which electronic monitoring devices can be used effectively in a sex offender management program. Directs the Attorney General to: (1) ensure that different approaches to monitoring are funded; and (2) report to Congress on the effectiveness and value of funded programs, the cost-effectiveness of the electronic monitoring to reduce sex offenses compared to other alternatives, and recommendations for continued funding. Authorizes

appropriations.

(Sec. 131) Makes a state that, within three years after enactment of this Act, has in effect laws and policies ensuring electronic monitoring of a person released after being convicted of a state sex offense in which the victim has not attained age 18 eligible for a bonus payment .

(Sec. 132) Directs the Attorney General to ensure that the National Center for Missing and Exploited Children has access to the Interstate Identification Index (subject to certain qualifications). Shields Center personnel from civil and criminal liability for any good faith use or misuse of information in the Index.

(Sec. 133) Amends the Victims of Child Abuse Act of 1990 to shield the Center from civil or criminal liability for damages arising from the performance of its CyberTipline responsibilities and functions, with exceptions for intentional, reckless, or other specified misconduct or an act or omission related to ordinary business activity.

(Sec. 134) Amends the federal criminal code to direct the Bureau of Prisons to establish: (1) non-residential offender management programs to provide appropriate treatment, monitoring, and supervision of offenders and aftercare during pre-release custody; and (2) residential offender treatment programs for offenders who volunteer and are deemed to be in need of and suitable for treatment. Directs that at least one of each program be established in each region within the Bureau. Authorizes appropriations.

(Sec. 135) Directs the Attorney General to provide technical assistance to assist jurisdictions in the identification and location of offenders relocated as a result of Hurricane Katrina.

(Sec. 136) Directs the Government Accountability Office (GAO) to: (1) complete a study for the House Judiciary Committee to survey a majority of the states to assess the relative capabilities of state driver's license systems to automatically access state and national databases of registered offenders in a form similar to a specified Nevada legal requirement; (2) use the information to determine potential costs of such a federal law and what level of federal grants would be required to prevent an unfunded mandate; (3) seek the views of law enforcement agencies, including the FBI, regarding the anticipated effects of such a national requirement; and (4) complete a study to determine if the Nevada provisions are effective in increasing the registration compliance rates, the aggregate direct and indirect costs for Nevada to bring those provisions into effect, and whether those provisions should be modified to improve compliance.

Subtitle B: Criminal Law Enforcement of Registration Requirements - (Sec. 151) Prescribes penalties to be imposed on any person who fails to register after receiving notice that he or she is required to register under this Act.

Increases penalties under the fraud and false statements offense if the matter relates to specified offenses, such as sexual exploitation of children and trafficking for illegal sexual activity.

Makes compliance with this Act a condition of probation and supervised release. Requires the court to revoke the term of supervised release if a defendant required to register violates the requirements of this Act or commits any criminal offense for which imprisonment for a term longer than one year can be imposed.

Requires the Director of the Bureau of Prisons to inform a person who is released from prison and required to register of the applicable requirements of this Act. Requires the same information to be provided by a probation officer to a person sentenced to probation.

(Sec. 152) Directs the Attorney General to use specified authority under the federal judicial code to assist states and other jurisdictions in locating and apprehending offenders who violate registration requirements.

(Sec. 153) Amends the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Attorney General to make grants to states, local governments, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia for "covered activities" (defined as any program, project, or other activity to assist a state in enforcing offender registration requirements).

(Sec. 154) Prohibits the use of a controlled substance to facilitate a sex offense.

(Sec. 155) Repeals previously existing sex offender program provisions of the Violent Crime Control and Law Enforcement Act of 1994 and of the Pam Lychner Sexual Offender Tracking and Identification Act of 1996.

(Sec. 156) Authorizes the Attorney General to make grants to train and employ personnel to help investigate and prosecute cases cleared through the use of funds provided for DNA backlog elimination.

(Sec. 157) Authorizes appropriations for grants to the American Prosecutors Research Institute under the Victims of Child Abuse Act of 1990.

(Sec. 158) Directs the Bureau of Justice Assistance to make grants to each law enforcement agency that serves a jurisdiction with 50,000 or more residents, and to each such agency that serves a jurisdiction with fewer than 50,000 residents upon a showing of need, to: (1) hire additional law enforcement personnel or train existing staff to combat the sexual abuse of children through community education and outreach, investigation of complaints, enforcement of laws relating to sex offender registries, and management of released offenders; (2) investigate the use of the Internet to facilitate the sexual abuse of children; and (3) purchase computer hardware and software necessary to investigate sexual abuse of children over the Internet, access local, state and federal databases to apprehend offenders, and facilitate the creation and enforcement of offender registries.

(Sec. 159) Directs the Attorney General to: (1) expand training efforts with federal, state, and local law enforcement officers and prosecutors to effectively respond to the threat to children and the public posed by offenders who use the Internet and technology to exploit children; (2) facilitate meetings between corporations that sell computer hardware and software or provide services to the general public related to use of the Internet to identify problems associated with the use of technology for the purpose of exploiting children; (3) host national training conferences; (4) develop and distribute information regarding multidisciplinary approaches to holding offenders accountable to the terms of their probation, parole, and offender registration laws; (5) partner with other agencies to improve the coordination of joint investigations to combat on-line solicitation of children; (6) deploy, to all Internet Crimes Against Children Task Forces and their partner agencies, technology modeled after the Canadian Child Exploitation Tracking System and to conduct training in the use of that technology; and (7) report to Congress on any such activities.

Subtitle C: Children's Safety Office - (Sec. 161) Establishes within DOJ, under the general authority of the Attorney General, a Children's Safety Office to administer the offender registration program and to coordinate with other departments, agencies, and offices in preventing sexual abuse of children, prosecuting child sex offenders, and tracking child abusers after conviction.

(Sec. 163) Requires that Office to be headed by a Director, appointed by the President, with the advice and consent of the Senate, who shall report directly to the Attorney General. Lists the qualifications and duties of the Director.

(Sec. 164) Directs the Attorney General to submit to the House and Senate Judiciary Committees a report that includes, for each state or jurisdiction, the number of grants made and funds distributed under subtitle A and summaries and evaluations of the grants.

Title II: DNA Fingerprinting - DNA Fingerprinting Act of 2005 - (Sec. 202) Amends the DNA Identification Act of 1994 to expand the scope of DNA (deoxyribonucleic acid) samples to be included in the National DNA Index System. Repeals provisions prohibiting DNA profiles from arrestees who have not been charged in an indictment or information with a crime and DNA samples that are voluntarily submitted solely for elimination purposes from being included in the System. Repeals provisions: (1) regarding requirements for expungement of records; and (2) granting authority for a one-time keyboard search of such System by any person authorized to access it.

Amends the DNA Analysis Backlog Elimination Act of 2000 to authorize the Attorney General to: (1) collect DNA samples from individuals who are arrested, detained, or convicted under U.S. authority; and (2) authorize and direct any other US agency that arrests or detains individuals or supervises individuals facing charges to so collect DNA samples.

Eliminates the exception for sexual abuse offenses to the tolling of the statute of limitations in cases where DNA testing implicates a person in the commission of a felony.

(Sec. 203) Directs the Attorney General, in carrying out Acts of Congress relating to DNA databases, to give appropriate consideration to the need for the collection and testing of DNA to stop violent predators against children.

(Sec. 204) Directs the Attorney General to publish a model code setting forth procedures to be followed by law enforcement officers when investigating a missing person or a death, including the use of DNA analysis to help locate missing persons and to help identify human remains. Expresses the sense of Congress that each state should enact laws implementing the model code and directs the Comptroller General to report to Congress on the extent to which states have done so.

Title III: Prevention and Deterrence of Crimes Against Children Act of 2005 - Prevention and Deterrence of Crimes Against Children Act of 2005 - (Sec. 302) Rewrites federal criminal code provisions regarding penalties for crimes against children to require a person convicted of a federal crime of violence against an individual under age 18 to be sentenced to: (1) death or life imprisonment if the crime results in the death of a person under age 18; (2) life or at least 30 years' imprisonment if the crime is a kidnaping, aggravated sexual abuse, sexual abuse, or maiming, or results in serious bodily injury; (3) life or at least 20 years' imprisonment if the crime results in bodily injury; (4) life or at least 15 years' imprisonment if a dangerous weapon was used during and in relation to the crime; and (5) life or at least ten years' imprisonment in any other case.

(Sec. 303) Denies jurisdiction to consider: (1) claims relating to the judgment or sentence in an application for writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a state court for a crime that involved the killing of a person under age 18; and (2) applications with respect to an error relating to the applicant's sentence or sentencing that has been found to be harmless or not prejudicial in state court proceedings, or that was found by a state court to be procedurally barred, unless a determination that the error is not structural is contrary to clearly established federal law, as determined by the U.S. Supreme Court. Sets timetables for proceedings. Extends certain rights associated with habeas corpus proceedings to victims of the state offense at issue. Makes this Act applicable to pending cases.

(Sec. 304) Amends the Hate Crimes Statistics Act to require the Attorney General to acquire data about crimes that manifest evidence of prejudice based on gender and about crimes committed by and directed against juveniles.

(Sec. 305) Directs the Attorney General to study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse, including the extent to which existing registries could be used. Directs the Secretary of Health and Human Services (Secretary) to report to Congress the results of the study.

(Sec. 306) Requires the Attorney General, upon request of the chief executive officer of a state pursuant to a request submitted by a local educational or state agency, to conduct fingerprint-based checks of the national crime information databases (and, where possible, state criminal history databases) on individuals under consideration for employment by the agency in a position in which the individual would work with or around children. Sets criminal penalties for exceeding the authority under this section or knowingly releasing information in violation of release restrictions.

Title IV: Protection Against Sexual Exploitation of Children Act of 2005 - Protection Against Sexual Exploitation of Children Act of 2005 - (Sec. 402) Increases mandatory minimum terms of imprisonment for sexual offenses against children, including: (1) aggravated sexual abuse of children; (2) abusive sexual contact with children under age 12; (3) sexual abuse of children under age 12 resulting in death; (4) sexual exploitation of children; (5) activities relating to material involving the sexual exploitation of children; (6) activities relating to material constituting or containing child pornography; (7) using misleading domain names to direct children to harmful material on the Internet; and (8) production of sexually explicit depictions of children.

Includes within the definition of "federal sex offense" (for purposes of provisions regarding mandatory life imprisonment for repeat sex offenses against children) offenses under provisions relating to: (1) travel with intent to engage in illicit sexual conduct; (2) illicit sexual conduct in foreign places; and (3) the use of interstate facilities to transmit information about a minor.

(Sec. 403) Expresses the sense of Congress concerning prosecution for enticement of a minor into unlawful sexual activity even if the perpetrator incorrectly believes the individual is a minor.

Title V: Foster Child Protection and Child Sexual Predator Deterrence - Foster Child Protection and Child Sexual Predator Sentencing Act of 2005 - (Sec. 502) Amends the Social Security Act regarding federal payments for foster care and adoption assistance to require background checks before approval of foster or adoptive placements, including checks of national crime information databases and state child abuse registries. Requires safeguards to prevent the unauthorized disclosure of information in a state child abuse and neglect registry and to prevent such information from being used for purposes other than conducting background checks in foster or adoptive placement cases.

(Sec. 503) Directs the Attorney General, at the request of the chief executive officer of a state, to conduct fingerprint-based checks of the national crime information databases (and, where possible, state criminal history databases) for local child welfare agency background checks required under the Social Security Act on prospective foster or adoptive parents. Authorizes the Attorney General and the states to charge any applicable fees for such checks. Prohibits an individual from releasing information derived from such check other than to others legally authorized to receive that information. Sets penalties for knowingly exceeding such authority or releasing information in violation of this Act.

(Sec. 504) Increases penalties for: (1) coercion and enticement by sex offenders; (2) transportation of minors for criminal sexual activity; and (3) sexual abuse. Makes the confidential marital communication privilege and the adverse spousal privilege inapplicable in federal proceedings in which a spouse is charged with a crime against a child of, or under the custody or control of, either spouse.

(Sec. 511) Establishes: (1) procedures for the civil commitment of sexually dangerous persons; and (2) mandatory minimum penalties for child sex trafficking. Directs the Attorney General to make grants to jurisdictions for establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons.

(Sec. 515) Permits an indictment to be found or an information instituted at any time without limitation for specified felony child abduction and sex offenses.

(Sec. 516) Makes it a Class A (currently, Class B) misdemeanor for specified professionals to fail to report child abuse.

(Sec. 517) Calls for background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack to be expedited to ensure that such children do not become subjected to the offenses enumerated in this Act.

(Sec. 518) Requires jurisdictions to have in effect laws requiring the testing of defendants for HIV disease in cases in which the perpetrator, by force or threat of force, compels the victim to engage in sexual activity. Requires the withholding of 10% of funds under the Byrne and LGLEB grants programs from jurisdictions that fail to comply within two years.

Title VI: Miscellaneous Provision - (Sec. 601) Prohibits the sale or other disposition of a firearm to, or possession of a firearm by, any person who has been convicted in any court of a misdemeanor sex offense against a minor.

Title VII: National Register of Cases of Child Abuse or Neglect - (Sec. 701) Directs the Attorney General to create a national register of cases of child abuse or neglect, with information supplied by states or political subdivisions. Requires the register to collect in a central electronic database information on children reported as abused or neglected. Requires: (1) the information provided to the Secretary to relate to substantiated reports of child abuse or neglect; (2) each state to determine whether the information to be provided to the Secretary also relates to reports of suspected instances of child abuse or neglect that were unsubstantiated or determined to be unfounded, with an exception; and (3) the information to be in standardized electronic form and to contain case-specific identifying information (with an exception to ensure confidentiality).

Directs the Attorney General to establish register information dissemination standards to preserve the confidentiality of records while also ensuring that government entities have access to carry out their responsibilities to protect children.

Title VIII: Child Pornography Prevention Act of 2005 - Child Pornography Prevention Act of 2005 - (Sec. 803) Amends federal criminal code provisions regarding the sexual exploitation of children to: (1) prohibit producers of visual depictions of sexually explicit conduct from refusing to permit the Attorney General to inspect records at business premises; and (2) modify the definition of "produces" to include actually filming, videotaping, photographing, or digitally manipulating an image of an actual human being that contains a visual depiction of sexually explicit conduct.

(Sec. 804) Requires, in any criminal proceeding: (1) any material that constitutes child pornography to remain in the care, custody, and control of either the government or the court; and (2) a court to deny any request by the defendant to copy or otherwise reproduce any material that constitutes child pornography, provided the government makes the material reasonably available to the defendant.

(Sec. 805) Makes specified provisions of the Controlled Substances Act governing criminal forfeiture for controlled substance violations applicable to the forfeiture of property for obscenity violations. Authorizes criminal and civil asset forfeiture in specified child exploitation and obscenity cases, such as involving: (1) the use of interstate facilities to transmit information about a minor with intent to solicit sexual activity; and (2) the use of misleading domain names on the Internet with intent to deceive a person into viewing material constituting obscenity. Makes the Racketeer Influenced and Corrupt Organizations (RICO) Act applicable to activities relating to material involving the sexual exploitation of minors.

(Sec. 806) Prohibits the production of obscene matter.

Title IX: Personal Data of Children - (Sec. 901) Prescribes penalties for the misappropriation of personally identifiable information of a person under age 18.

Title X: Local Law Enforcement Hate Crimes Prevention - (Sec. 1001) Local Law Enforcement Hate Crimes Prevention Act of 2005 - Authorizes the Attorney General, at the request of a law enforcement official of a state or Indian tribe, to provide technical, forensic, prosecutorial, or other assistance in the criminal investigation or prosecution of any crime that: (1) constitutes a crime of violence under federal law or a felony under state or Indian tribal law; and (2) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim or is a violation of the hate crime laws of the state or tribe. Directs the Attorney General to give priority for assistance to crimes committed by offenders who have committed crimes in more than one state and to rural jurisdictions that have difficulty covering the extraordinary investigation or prosecution expenses.

Authorizes the Attorney General to award grants to assist state, local, and Indian law enforcement officials with such extraordinary expenses. Directs the Office of Justice Programs to: (1) work closely with funded jurisdictions to ensure that the concerns and needs of all affected parties are addressed; and (2) award grants to state and local programs designed to combat hate crimes committed by juveniles. Requires the Attorney General to submit to Congress, by December 1, 2006, a report describing applications submitted for grants, grant awards, and the purposes for which the grant amounts were expended.

(Sec. 1006) Authorizes appropriations to DOJ to increase the number of personnel to prevent and respond to alleged hate crime violations.

(Sec. 1007) Prohibits willfully causing or attempting, through the use of fire, a firearm, or an explosive or incendiary device, to cause bodily injury to any person because of the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of that person.

(Sec. 1008) Amends the Hate Crime Statistics Act to require crime data collected and published by the Attorney General to include data about crimes that manifest evidence of prejudice based on gender and gender identity.

Actions Timeline

- **Sep 15, 2005:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Sep 14, 2005:** Rule H. Res. 436 passed House.
- **Sep 14, 2005:** Considered under the provisions of rule H. Res. 436. (consideration: CR H7887-7924; text of Title I as reported in House: CR H7894-7897; text of Title II as reported in House: CR H7903-7904; text of Title III as reported in House: CR H7904-7905; text of Title IV as reported in House: CR H7907-7908; text of Title V as reported in House: CR H7908-7910)
- **Sep 14, 2005:** Rule provides for consideration of H.R. 3132 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for the purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate.
- **Sep 14, 2005:** The Speaker designated the Honorable Michael K. Simpson to act as Chairman of the Committee.
- **Sep 14, 2005:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 436 and Rule XVIII.
- **Sep 14, 2005:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 3132.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Sensenbrenner amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Sensenbrenner amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Cuellar amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Gibbons amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Conyers amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Conyers amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Poe amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Inglis amendment.
- **Sep 14, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Inglis amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Inglis demanded a recorded vote and pursuant to the rule, the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Conyers amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Baird amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Porter amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Scott (VA) amendments offered en bloc under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Flake amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Ryun (KS) amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Sensenbrenner amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Sensenbrenner amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Jackson-Lee amendment under the five-minute rule.

- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Weldon (FL) amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Wasserman-Schultz amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the McDermott amendment under the five-minute rule, pending reservation of a point of order.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Nadler amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Kelly amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Pence amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Conyers amendment under the five-minute rule.
- **Sep 14, 2005:** DEBATE - The Committee of the Whole proceeded with debate on the Conyers amendment under the five-minute rule.
- **Sep 14, 2005:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Conyers amendment the Chair put the question on the amendment and announced by voice vote that the noes had prevailed. Mr. Conyers demanded a recorded vote and the Chair postponed further proceedings on adoption of the amendment until later in the legislative day.
- **Sep 14, 2005:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of specified amendments which had been debated earlier and on which further proceedings had been postponed.
- **Sep 14, 2005:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 3132.
- **Sep 14, 2005:** The House adopted the amendment as agreed to by the Committee of the Whole House on the state of the Union.
- **Sep 14, 2005:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 371 - 52 (Roll no. 470).
- **Sep 14, 2005:** On passage Passed by the Yeas and Nays: 371 - 52 (Roll no. 470).
- **Sep 14, 2005:** Motion to reconsider laid on the table Agreed to without objection.
- **Sep 13, 2005:** Rules Committee Resolution H. Res. 436 Reported to House. Rule provides for consideration of H.R. 3132 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for the purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate.
- **Sep 13, 2005:** Supplemental report filed by the Committee on Judiciary, H. Rept. 109-218, Part II.
- **Sep 13, 2005:** Supplemental report filed by the Committee on Judiciary, H. Rept. 109-218, Part II.
- **Sep 9, 2005:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-218, Part I.
- **Sep 9, 2005:** Reported (Amended) by the Committee on Judiciary. H. Rept. 109-218, Part I.
- **Sep 9, 2005:** Committee on Ways and Means discharged.
- **Sep 9, 2005:** Committee on Ways and Means discharged.
- **Sep 9, 2005:** Placed on the Union Calendar, Calendar No. 125.
- **Sep 8, 2005:** Mr. DeLay asked unanimous consent that the Committee on Judiciary have until midnight on Sept. 9 to file a report on H.R. 3132. Agreed to without objection.
- **Jul 27, 2005:** Committee Consideration and Mark-up Session Held.
- **Jul 27, 2005:** Ordered to be Reported (Amended) by the Yeas and Nays: 22 - 4.
- **Jun 30, 2005:** Introduced in House
- **Jun 30, 2005:** Introduced in House
- **Jun 30, 2005:** Referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, 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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- **Jun 30, 2005:** Referred to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, 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.