



Legislative Bulletin.....September 14, 2005

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H.R. 3132 —The Children’s Safety Act of 2005

H.R. 3132, the Children’s Safety Act, is scheduled to be considered on the House floor on Wednesday, September 14, 2005, subject to a modified open rule ([H. RES. 436](#)). Below are the summaries of all 25 amendments made in order under the rule. Note: summaries are based on RSC staff’s review of actual amendment text. For a summary of the underlying bill, see a separate RSC document released earlier this morning.

***NOTE:** Of the 25 amendments offered, only 15 were published by the RSC prior to the votes, as the amendments moved much quicker than anticipated (many of them were voice voted). All 25 amendments are summarized below, and include the vote outcomes of each.*

1. Sensenbrenner (R-WI): Makes changes to Title I of the bill dealing with the sex offender registration and notification requirements and related issues.

2. Sensenbrenner (R-WI): Inserts a new section providing for assistance in identification and location of sex offenders relocated as a result of Hurricane Katrina.

3. Cuellar (D-TX): Adds a minimum term of imprisonment of at least 90 days for convicted sex offenders who fail to register as such. *Amendment passed by a voice vote.*

4. Gibbons (R-NV): Inserts a new section in the bill requiring a GAO study be submitted to the House Committee on the Judiciary within 180 days on the feasibility of using driver’s license registration processes as additional requirements for sex offenders. *Amendment passed by a voice vote.*

5. Conyers (D-MI): Provides for the establishment of a Children’s Safety Office within the Department of Justice under the general authority of the Attorney General. *Amendment passed by a voice vote.*

6. Conyers (D-MI): Allows the Bureau of Justice Assistance to make grants to law enforcement agencies to combat sexual abuse of children. Appropriates “such sums” for FY06-FY08. *Amendment passed by a voice vote.*

7. Poe (R-TX): Adds a new section to the bill which expands 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 sex offenders who use the internet and technology to solicit or otherwise exploit children.” Includes hosting national conferences for training, partnering with other agencies, and working with computer hardware and software providers. Appropriates \$3 million for FY06 to carry out these provisions. *Amendment passed by a voice vote.*

8. Inglis (R-SC): Strikes sections of the bill which stipulate mandatory minimum prison sentences (not less than 5 years and not more than 20) for sex offenders who fail to register as such. *Amendment failed by a vote of 106-316.*

9. Conyers (D-MI): Provides for the inclusion of gender and crimes committed by and directed against juveniles for coverage under the Hate Crime Statistics Act. *Amendment passed by a voice vote.*

10. Baird (D-WA): Directs the Attorney General, with the Secretary of Health and Human Services, “to study the establishment of a nationwide interstate tracking system of persons convicted of, or under investigation for, child abuse.” *Amendment passed by a voice vote.*

11. Porter (R-NV): Directs the Attorney General, upon a request from a governor of a state, to conduct fingerprint-based checks of the national crime information databases for individuals under consideration for employment in a local or state education agency in which the person would work with or around children; allows the information obtained to be released to authorized individuals only, and sets out criminal penalties for unlawfully using or releasing the information. *Amendment passed by a voice vote.*

12. Scott (D-VA): Strikes section 303 of the bill, which imposes time limits and other specific limits on federal courts’ review of habeas corpus petitions that challenge a state-court conviction for killing a child. Strikes section 302 of the bill, which imposes various mandatory minimum prison sentences for persons convicted of a felony crime of violence against a person under 18 years old; strikes portions of Title IV, Section 402 of the bill, which increases penalties and prison sentences for sexual offenses against children. *Amendment failed by a voice vote.*

13. Flake (R-AZ): Under the title of “Ensuring Fair and Expedious Federal Collateral Review of Convections for Killing a Child,” the amendment restricts a court, justice or judge’s jurisdiction in considering an application with respect to an error relating to the applicant’s sentence or sentencing that has been found to be harmless. According to the sponsor, the amendment, “only limits the federal habeas review that begins in the lower federal courts after all state appeals and U.S. Supreme Court certiorari review are completed. Congress unquestionably has the authority to limit such review.” *Amendment passed by a voice vote.*

14. Ryun (R-KS): Inserts findings and a Sense of Congress regarding the 9th Circuit Court of Appeals case *U.S. v. Helder, Jr.*, in which the defendant was convicted of using a computer to

entice an individual under the age of 18. However, District Judge Whipple acquitted the defendant because the defendant did not solicit an actual minor but an undercover law enforcement officer. The Sense of Congress states that the Department of Justice should appeal Judge Whipple's decision in the case and Judge Whipple's acquittal decision "should be overturned in light of the law as it is written, the intent of Congress, and well-established case law."

15. Sensenbrenner (R-WI): Changes Title XVIII to eliminate any statute of limitations on criminal prosecutions for kidnapping a child, committing a felony sex offense, or a human trafficking violation; raises the class on the existing misdemeanor for failure to report child abuse, thereby raising the maximum penalty for such an offense from six months imprisonment to one year imprisonment. *Amendment passed by a voice vote.*

16. Sensenbrenner (R-WI): Allows child welfare agencies access to Federal crime information databases in order that fingerprint-based checks on individuals under consideration as foster or adoptive parents may be conducted.

17. Jackson-Lee (D-TX): States the sense of Congress that background checks conducted as a precondition to approval of any foster or adoptive placement of children affected by a natural disaster or terrorist attack should be expedited in order to ensure that such children do not become subjected to the offenses enumerated in the Children's Safety Act. *Amendment passed by a voice vote.*

18. Weldon (R-FL): Requires that a defendant who is charged with sex crime be test for HIV disease if 1) the nature of the alleged sexual crime would have placed the victim at risk of being infected with HIV, or if the victim requests that the defendant be test. Stipulates financial penalties for jurisdictions who fail to comply with this provision. *Amendment passed by a voice vote.*

19. Wasserman Schultz (D-FL): Inserts a new section in the bill which makes grants to jurisdictions for the "purpose of establishing, enhancing, or operating effective civil commitment programs for sexually dangerous persons; sets out eligibility requirements and appropriates \$40 million for FY06-FY09 to carry out the grant program. *Amendment passed by a voice vote.*

20. McDermott (D-WA): Directs states to make foster care maintenance payments on behalf of each child who is in foster care under the responsibility of the state, and who resides or, just before August 28, 2005, had resided in an area for which a major disaster has been declared. Additionally, the amendment waives current state matching requirements for federal foster care assistance. According to the sponsor, the amendment is meant to provide full federal funding for broad social services for children, including mental health treatment and family counseling. There is no cost estimate available for this amendment. *Chairman Sensenbrenner raised a point of order against the amendment, and the chair sustained the point of order.*

21. Nadler (D-NY): Prohibits the sale or disposal of a firearm or ammunition to any person “convicted in any court of a misdemeanor sex offense against a minor. Prohibits sex offenders from shipping or transporting a firearm in interstate or foreign commerce, and from receiving or possessing a firearm or ammunition. *Amendment passed by a voice vote.*

22. Kelly (R-NY): Directs the Attorney General, to create a national register of cases of child abuse or neglect. *Amendment passed by a voice vote.*

23. Pence (R-IN): Inserts a new title at the end of the bill, similar text of H.R. 3726, which requires producers of pornography and sexually explicit photography to keep records of the names, ages, and proof of identification of the individuals depicted in their materials. According to the sponsor, this will “eliminate a loophole that allowed pornographers to use children in soft-core pornography and nude pictures but claim that they believed the children were over age eighteen.” Subjects producers of obscenity to the same forfeiture provisions as are in place for other crimes and allows the equipment used by pornographers to be forfeited. Makes the production, transportation, distribution and sale of obscenity a crime when the producer has the intent to do so across state lines. *Amendment passed by a voice vote.*

24. Conyers (D-MI): Makes it a crime to knowingly misappropriate the personal identification information of a minor in interstate or foreign commerce. *Amendment passed by a voice vote.*

25. Conyers (D-MI): Amendment adds to the bill the text of the “Local Law Enforcement Hate Crimes Prevention Act of 2005.” *Amendment passed by a vote of 223-199 ([Roll no. 469](#)).*

For additional information on hate crimes legislation, please see this RSC summary:
<http://www.house.gov/pence/rsc/doc/LB%2009-28-04%20hate%20crimes%20motion.pdf>

NOTE: H.R. 3132 passed the House by a vote of 371-52, including the Conyers hate crimes language. The Children’s Safety Act was subsequently reintroduced later as H.R. 4472 with all the approved amendment language included, *except* the Conyers hate crimes amendment language. Please see the RSC Legislative Bulletin on H.R. 4472 for more information.