H. R. 1505

To revise the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration program.

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2005

Ms. Ginny Brown-Waite of Florida (for herself, Ms. Harris, Ms. Wasserman Schultz, and Mr. Poe) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To revise the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Jessica Lunsford Act”.

SEC. 2. REVISIONS.

(a) SEMIANNUAL MAILER REQUIRED.—Section 170101 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071) is amended in subsection (b)(3)(A) by adding at the end the following:

“State procedures shall include a verification process
under which the State mails a nonforwardable verification
form to the last known address of the person, to be re-
turned by the person within 10 days after receiving the
form. The date on which the State mails the form shall
be determined through a process that includes an element
of randomness, except that the State shall mail the form
at least twice in each calendar year. A failure to return
the form within the period allowed shall be punishable in
the same manner as a failure to register.”.

(b) NOTICE OF OFFENDER STATUS TO PROBATION
OFFICERS.—Such section is further amended in sub-
section (b)(1)(A)—

(1) in clause (iv), by striking “and” at the end;
(2) in clause (v), by striking the period at the
end and inserting “; and”; and
(3) by adding at the end the following new
clause:

“(vi) notify the agency responsible for
supervising the person, if any, that the
person is required to register under this
section and provide that agency with the
registration information relating to that
person.”.

(c) ELECTRONIC MONITORING OF OFFENDERS WHO
REPEATEDLY FAIL TO REGISTER.—Such section is fur-
ther amended by adding at the end the following new sub-
section:

“(k) Location-Transmitting Devices for Off-
fenders Who Repeatedly Fail to Register.—In ad-
dition to any other consequence that may be imposed by
law, a person required to register under a State program
established pursuant to this section with two or more con-
victions for failing to so register or failing to keep such
registration current shall, upon release from imprison-
ment, be required by that State to wear at all times a
location-transmitting device (such as an anklet) for a pe-
riod of not less than 5 years. If the person is a sexually
violent predator, the period shall be not less than 10 years.
The State shall frequently monitor the information trans-
mitted by the device. The Attorney General shall prescribe
guidelines specifying how a State is to comply with this
subsection.”.

(d) Compliance.—

(1) Compliance date.—Each State shall have
not more than 12 months from the date of the en-
actment of this Act in which to implement the
amendments made by subsections (a) and (b), and
not more than 18 months from the date of the en-
actment of this Act in which to implement the
amendment made by subsection (c).
(2) Ineligibility for funds.—

(A) In general.—A State that fails to implement the amendments made by this Act shall not receive 10 percent of the funds that would otherwise be allocated to the State under section 506 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3765).

(B) Reallocation of funds.—Any funds that are not allocated by reason of subparagraph (A) shall be reallocated to States that are in compliance.