

AMENDMENT TO H.R. 1842
OFFERED BY Mr. Conyers

Page 2, strike line 4 and all that follows through line 6, and insert the following:

1 (1) in paragraph (1), by adding at the end the
2 following: “An individual described in subsection (a)
3 or (b) who commits a crime of violence under State
4 law shall be imprisoned not more than 30 years.”;
5 and

Page 2, strike line 14 and all that follows through line 17.

Page 2, strike line 18 and all that follows through line 23 and insert the following:

6 (a) SEXUAL EXPLOITATION OF CHILDREN.—Section
7 2251(e) of title 18, United States Code, is amended—
8 (1) by striking “section 920 of title 10 (article
9 120 of the Uniform Code of Military Justice), or
10 under” each place it appears; and
11 (2) by inserting after “imprisoned not less than
12 35 years nor more than life.” the following: “If an
13 individual who violates, or attempts or conspires to
14 violate, this section has one prior conviction under

1 the Uniform Code of Military Justice relating to ag-
2 gravated sexual abuse, sexual abuse, abusive sexual
3 contact involving a minor or ward, or sex trafficking
4 of children, or the production, possession, receipt,
5 mailing, sale, distribution, shipment, or transpor-
6 tation of child pornography, such person shall be
7 fined under this title and imprisoned for not more
8 than 50 years, but if such person has 2 or more
9 prior convictions under the Uniform Code of Military
10 Justice relating to the sexual exploitation of chil-
11 dren, such person shall be fined under this title and
12 imprisoned for any term of years or for life.”.

Page 2, strike line 24 and all that follows through
line 10 on page 3, and insert the following:

13 (b) CERTAIN ACTIVITIES RELATING TO MATERIAL
14 INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—
15 Section 2252(b) of title 18, United States Code, is amend-
16 ed—

17 (1) by striking “section 920 of title 10 (article
18 120 of the Uniform Code of Military Justice), or
19 under” each place it appears;

20 (2) in paragraph (1), by adding at the end the
21 following: “If such person has a prior conviction
22 under the Uniform Code of Military Justice relating
23 to aggravated sexual abuse, sexual abuse, or abusive

1 sexual conduct involving a minor or ward, or the
2 production, possession, receipt, mailing, sale, dis-
3 tribution, shipment, or transportation of child por-
4 nography, or sex trafficking of children, such person
5 shall be fined under this title and imprisoned for not
6 more than 40 years.”; and

7 (3) in paragraph (2), by adding at the end the
8 following: “If such person has a prior conviction
9 under the Uniform Code of Military Justice relating
10 to aggravated sexual abuse, sexual abuse, or abusive
11 sexual conduct involving a minor or ward, or the
12 production, possession, receipt, mailing, sale, dis-
13 tribution, shipment, or transportation of child por-
14 nography, such person shall be fined under this title
15 and imprisoned for not more than 20 years.”.

Page 3, strike line 11 and all that follows through
line 22, and insert the following:

16 (c) CERTAIN ACTIVITIES RELATING TO MATERIAL
17 CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—
18 Section 2252A(b) of title 18, United States Code, is
19 amended—

20 (1) by striking “section 920 of title 10 (article
21 120 of the Uniform Code of Military Justice), or
22 under” each place it appears;

1 (2) in paragraph (1), by adding at the end the
2 following: “If such person has a prior conviction
3 under the Uniform Code of Military Justice relating
4 to aggravated sexual abuse, sexual abuse, or abusive
5 sexual conduct involving a minor or ward, or the
6 production, possession, receipt, mailing, sale, dis-
7 tribution, shipment, or transportation of child por-
8 nography, or sex trafficking of children, such person
9 shall be fined under this title and imprisoned for not
10 more than 40 years.”; and

11 (3) in paragraph (2), by adding at the end the
12 following: “If such person has a prior conviction
13 under the Uniform Code of Military Justice relating
14 to aggravated sexual abuse, sexual abuse, or abusive
15 sexual conduct involving a minor or ward, or the
16 production, possession, receipt, mailing, sale, dis-
17 tribution, shipment, or transportation of child por-
18 nography, such person shall be fined under this title
19 and imprisoned for not more than 20 years.”.

Page 3, line 23, strike “(e)” and insert “(d)”.

Page 4, strike line 3 and all that follows through
line 12, and insert the following:

20 (e) SENTENCING CLASSIFICATION.—Section 3559 of
21 title 18, United States Code, is amended—

1 (1) in subsection (e)(1), by striking “A person
2 who is convicted” and inserting “Except as provided
3 in subsection (i), a person who is convicted”;

4 (2) in subsection (e)(2)(C), inserting after “was
5 for a Federal sex offense” the following: “, a mili-
6 tary sex offense (as such term is defined in sub-
7 section (i)),”; and

8 (3) by adding at the end the following:

9 “(h) ENHANCED MAXIMUM TERMS OF IMPRISON-
10 MENT FOR CERTAIN OFFENSES.—

11 “(1) IN GENERAL.—A person who is convicted
12 of a military sex offense in which a minor is the vic-
13 tim may be sentenced to imprisonment for any term
14 of years or for life if the person has a prior sex con-
15 viction in which a minor was the victim, unless the
16 sentence of death is imposed.

17 “(2) DEFINITIONS.—In this subsection—

18 “(A) the terms ‘prior sex conviction’ and
19 ‘minor’ have the meanings given such terms in
20 subsection (e)(2); and

21 “(B) the term ‘military sex offense’ means
22 an offense under the Uniform Code of Military
23 Justice that is punishable by more than one
24 year in prison and consists of conduct that
25 would be a Federal sex offense if, to the extent

1 or in the manner specified in the applicable pro-
2 vision of this title—

3 “(i) the offense involved interstate or
4 foreign commerce, or the use of the mails;
5 or

6 “(ii) the conduct occurred in any com-
7 monwealth, territory, or possession of the
8 United States, within the special maritime
9 and territorial jurisdiction of the United
10 States, in a Federal prison, on any land or
11 building owned by, leased to, or otherwise
12 used by or under the control of the Gov-
13 ernment of the United States, or in the In-
14 dian country (as defined in section 1151).

15 “(3) NONQUALIFYING FELONIES.—An offense
16 described in section 2422(b) or 2423(a) shall not
17 serve as a basis for sentencing under this subsection
18 if the defendant establishes by clear and convincing
19 evidence that—

20 “(A) the sexual act or activity was consen-
21 sual and not for the purpose of commercial or
22 pecuniary gain;

23 “(B) the sexual act or activity would not
24 be punishable by more than one year in prison

1 under the law of the State in which it occurred;

2 or

3 “(C) no sexual act or activity occurred.

4 “(i) LIMITATION WITH REGARD TO CERTAIN PRIOR
5 OFFENSES.—If a person would be subject to a sentence
6 of life imprisonment pursuant to subsection (e)(1) but
7 that person has no prior sex conviction other than for an
8 offense under the Uniform Code of Military Justice, that
9 person may be sentenced to imprisonment for any term
10 of years or for life.”.

