

**AMENDMENT TO H.R. 1862**  
**OFFERED BY Mr. Conyers**

Page 2, strike line 14 and all that follows through  
line 23, and insert the following:

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)(A), by striking “into  
5           prostitution”;

6           (3) in subsection (e)(2)(C), inserting after “was  
7           for a Federal sex offense” the following: “, an of-  
8           fense under section 2244(a)(5) or section 2423(c),”;  
9           and

10           (4) by adding at the end the following:

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

13           “(1) IN GENERAL.—A person who is convicted  
14           of an offense under section 2244(a)(5) or section  
15           2423(c) in which a minor is the victim may be sen-  
16           tenced to imprisonment for any term of years or for  
17           life if the person has a prior sex conviction in which  
18           a minor was the victim, unless the sentence of death  
19           is imposed.

1       “(2) DEFINITION.—In this subsection, the  
2 terms ‘prior sex conviction’ and ‘minor’ have the  
3 meanings given such terms in subsection (e)(2).  
4       “(3) NONQUALIFYING FELONIES.—An offense  
5 described in section 2422(b) or 2423(a) shall not  
6 serve as a basis for sentencing under this subsection  
7 if the defendant establishes by clear and convincing  
8 evidence that—  
9       “(A) the sexual act or activity was consen-  
10 sual and not for the purpose of commercial or  
11 pecuniary gain;  
12       “(B) the sexual act or activity would not  
13 be punishable by more than one year in prison  
14 under the law of the State in which it occurred;  
15 or  
16       “(C) no sexual act or activity occurred.  
17       “(i) LIMITATION WITH REGARD TO CERTAIN PRIOR  
18 OFFENSES.—If a person would be subject to a sentence  
19 of life imprisonment pursuant to subsection (e)(1) but  
20 that person has no prior sex conviction other than for an  
21 offense under section 2244(a)(5) or under section 2423(e),  
22 that person may be sentenced to imprisonment for any  
23 term of years or for life.”.

