



**Legislative Bulletin.....March 14, 2002**

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1. **H.R. 2146** — Two Strikes and You're Out Child Protection Act

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**H.R. 2146— Two Strikes and You're Out Child Protection Act (Green, Mark)**

**Order of Business:** The bill will be considered on Thursday, March 14 under an open rule.

**Summary:** H.R. 2146 would automatically impose a life prison sentence on individuals upon a second conviction of sex crimes involving children. Specifically, the bill amends 18 U.S.C. Sec. 3559 of the Federal criminal code to provide for a mandatory minimum sentence of life imprisonment for any person convicted of a "federal sex offense" (sex offense occurring on federal property) if that individual has previously been convicted of a similar offense under either federal or state law.

The bill defines federal sex offense to include offenses committed against a person under the age of 17 and involving the crimes of sexual abuse, aggravated sexual abuse, sexual abuse of a minor, abusive sexual contact, and the interstate transportation of minors for sexual purposes.

**Additional Background:** The House previously approved similar legislation by voice vote: as a stand-alone bill on July 25, 2000 and as an amendment to the 1999 juvenile crime bill on June 6, 1999.

**Cost to Taxpayers:** CBO estimates the bill will cost \$3 million over 5 years, but notes that yearly costs will increase over time as more individuals are convicted under the statute.

**Does the Bill Create New Federal Programs or Rules?:** Yes. The bill creates a mandatory sentence of life imprisonment for individuals convicted in federal court of committing certain child-related sex crimes if the individual has been previously convicted of a similar crime in state or federal court.

**Constitutional Authority:** The committee report cites Article I, section 8 of the Constitution (Powers of Congress) but does not cite a specific clause.

**Possible Amendments:** Representative Bobby Scott (D-VA) may offer an amendment to the bill to remove "sexual abuse of a minor" from the list of federal sex offenses that would

trigger lifetime imprisonment. Congressman Scott alleges that this provision will result in lifetime prison sentences for individuals engaging in consensual sexual activity with minors, including “petting.” Representative Scott offered this amendment during full committee mark-up, where it was defeated by voice vote.

Representative Scott may also offer an amendment to allow American Indian tribal governments to exempt themselves from the bill’s provisions. A similar provision exists in the federal “three strikes” law. This amendment also was defeated in the Judiciary Committee by voice vote.

**RSC Issues:** RSC staff is unaware of any opposition to the bill from Republican Members or conservative interest groups and expects that the bill will be supported by most if not all members of the Republican Conference. In addition, RSC staff is unaware of any amendments being offered other than by Members who oppose the underlying bill. RSC staff expects that Republican Members will oppose all amendments.

**Outside Organizations:** The RSC has been informed that the KlaasKids Foundation and Family Research Council have endorsed this bill.

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