

  
(Original Signature of Member)

118TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend title 18, United States Code, to modify provisions relating to kidnapping, sexual abuse, and illicit sexual conduct with respect to minors.

IN THE HOUSE OF REPRESENTATIVES

Mr. NEHLS introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

**A BILL**

To amend title 18, United States Code, to modify provisions relating to kidnapping, sexual abuse, and illicit sexual conduct with respect to minors.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. KIDNAPPING; SEXUAL ABUSE; ILLICIT SEXUAL**  
4 **CONDUCT WITH RESPECT TO MINORS.**

5 (a) IN GENERAL.—Part I of title 18, United States  
6 Code, is amended—

7 (1) in section 1201—

1 (A) in subsection (a), in the matter pre-  
2 ceding paragraph (1), by inserting “obtains by  
3 defrauding or deceiving any person,” after “ab-  
4 ducts,”;

5 (B) in subsection (b), by inserting “ob-  
6 tained by defrauding or deceiving any person,”  
7 after “abducted,”; and

8 (C) in subsection (g), by adding at the end  
9 the following:

10 “(2) DEFENSE.—For an offense described in  
11 this subsection involving a victim who has not at-  
12 tained the age of 16 years, it is not a defense that  
13 the victim consented to the conduct of the offender,  
14 unless the offender can establish by a preponderance  
15 of the evidence that the offender reasonably believed  
16 that the victim had attained the age of 16 years.”;

17 (2) in chapter 109A—

18 (A) in section 2241(c), by striking “crosses  
19 a State line” and inserting “travels in inter-  
20 state or foreign commerce”;

21 (B) in section 2242(3), by striking “, to  
22 include doing so” and inserting “or”;

23 (C) in section 2243, by adding at the end  
24 the following:

1       “(f) INTENTIONAL TOUCHING INVOLVING INDIVID-  
2 UALS UNDER THE AGE OF 16.—

3               “(1) OFFENSE.—It shall be unlawful, in the  
4 special maritime and territorial jurisdiction of the  
5 United States or in a Federal prison, or in any pris-  
6 on, institution, or facility in which persons are held  
7 in custody by direction of or pursuant to a contract  
8 or agreement with the head of any Federal depart-  
9 ment or agency, to knowingly cause the intentional  
10 touching, not through the clothing, of the genitalia  
11 of any person by a person who has not attained the  
12 age of 16 years, with an intent to abuse, humiliate,  
13 harass, degrade, or arouse or gratify the sexual de-  
14 sire of any person, or attempt to do so, if to do so  
15 would violate subsection (a), (b), or (c) of this sec-  
16 tion, section 2241, or section 2242 had such inten-  
17 tional touching been a sexual act.

18               “(2) PENALTY.—Any person who violates para-  
19 graph (1) shall be fined under this title, imprisoned  
20 as provided in the applicable provision of law de-  
21 scribed in that paragraph, or both.”; and

22                       (D) in section 2244—

23                               (i) in subsection (a)—

24                                       (I) by redesignating paragraphs

25                                       (1) through (6) as subparagraphs (A)

1 through (F), respectively, and adjust-  
2 ing the margins accordingly;

3 (II) by striking “Whoever” and  
4 inserting the following:

5 “(1) IN GENERAL.—Whoever”;

6 (III) in paragraph (1), as so des-  
7 ignated—

8 (aa) in the matter preceding  
9 subparagraph (A), as so redesign-  
10 ated, by striking “if so to do”  
11 and inserting “if to do so”;

12 (bb) in subparagraph (A), as  
13 so redesignated, by striking  
14 “ten” and inserting “10”;

15 (cc) in subparagraph (B), as  
16 so redesignated, by striking  
17 “three” and inserting “3”;

18 (dd) in subparagraph (C), as  
19 so redesignated, by striking  
20 “two” and inserting “2”;

21 (ee) in subparagraph (D), as  
22 so redesignated, by striking  
23 “two” and inserting “2”; and

24 (ff) in subparagraph (F), as  
25 so redesignated, by striking the

1                               semicolon at the end and insert-  
2                               ing a period; and

3                               (IV) by adding at the end the fol-  
4                               lowing:

5                               “(2) ATTEMPT.—Whoever attempts to commit  
6                               an offense under paragraph (1) shall be subject to  
7                               the same penalty as for a completed offense.”;

8                               (ii) in subsection (b)—

9                               (I) by inserting “or causes” after  
10                              “engages in”;

11                             (II) by inserting “or by” after  
12                             “sexual contact with”;

13                             (III) by inserting “, or attempts  
14                             to do so,” after “other person’s per-  
15                             mission”; and

16                             (IV) by striking “two” and in-  
17                             serting “2”; and

18                             (iii) in subsection (c), by striking “If  
19                             the sexual contact that violates this section  
20                             (other than subsection (a)(5)) is with an  
21                             individual” and inserting “If the sexual  
22                             contact or attempted sexual contact that a  
23                             person engages in or causes in violation of  
24                             this section (other than subsection

1 (a)(1)(E)) is with or by an individual”;

2 and

3 (3) in section 2423(f)(1)—

4 (A) by striking “a sexual act (as defined in  
5 section 2246) with” and inserting “any conduct  
6 involving”; and

7 (B) by striking “sexual act occurred” and  
8 inserting “conduct occurred”.

9 (b) EFFECTIVE DATE.—The amendment to section  
10 2241(c) of title 18, United States Code, made by sub-  
11 section (a) shall apply to conduct that occurred before, on,  
12 or after the date of enactment of this Act.

13 **SEC. 2. CONFORMING AMENDMENTS RELATING TO ABU-**  
14 **SIVE SEXUAL CONTACT.**

15 (a) PENALTIES FOR CIVIL RIGHTS OFFENSES IN-  
16 VOLVING SEXUAL MISCONDUCT.—Section 250(b) of title  
17 18, United States Code, is amended—

18 (1) in paragraph (2), by striking “section  
19 2244(a)(5),” and inserting “section 2244(a)(1)(E),  
20 or an attempt to engage in or cause such contact as  
21 prohibited by section 2244(a)(2),”;

22 (2) in paragraph (4), in the matter preceding  
23 subparagraph (A), by striking “subsection (a)(1) or  
24 (b) of section 2244, but excluding abusive sexual  
25 contact through the clothing” and inserting “section

1       2244(a)(1)(A), an attempt to engage in or cause  
2       such contact as prohibited by section 2244(a)(2), or  
3       abusive sexual contact of the type prohibited by sec-  
4       tion 2244(b), but excluding abusive sexual contact  
5       through the clothing or an attempt to engage in or  
6       cause such contact”;

7           (3) in paragraph (5), in the matter preceding  
8       subparagraph (A), by striking “section 2244(a)(2)”  
9       and inserting “section 2244(a)(1)(B) or an attempt  
10      to engage in or cause such contact as prohibited by  
11      section 2244(a)(2)”;

12          (4) in paragraph (6), in the matter preceding  
13      subparagraph (A), by striking “subsection (a)(3),  
14      (a)(4), or (b) of section 2244” and inserting “sub-  
15      paragraph (C) or (D) of section 2244(a)(1), an at-  
16      tempt to engage in or cause such contact as prohib-  
17      ited by section 2244(a)(2), or abusive sexual contact  
18      of the type prohibited by section 2244(b)”.

19      (b) SENTENCING CLASSIFICATION OF OFFENSES.—  
20      Section 3559 of title 18, United States Code, is amend-  
21      ed—

22          (1) in subsection (c)(2)(F)(i), by striking “sec-  
23      tions 2244(a)(1) and (a)(2)” and inserting “sub-  
24      paragraphs (A) and (B) of section 2244(a)(1)”;

- 1 (2) in subsection (e)(2)(A), by striking
- 2 “2244(a)(1)” and inserting “2244(a)(1)(A)”.