

112TH CONGRESS
1ST SESSION

H. R. 577

To prevent the abuse and exploitation of older individuals.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2011

Mr. CHANDLER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To prevent the abuse and exploitation of older individuals.

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. SHORT TITLE.**

4 This Act may be cited as the “Elder Abuse Preven-
5 tion Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The number of older individuals in the
9 United States who are abused, neglected, or ex-
10 ploited is increasing, and a large percentage of elder
11 abuse cases are not reported to Federal and State
12 law enforcement authorities.

1 (2) The number of individuals in the United
2 States aged 65 and older is projected to increase ex-
3 ponentially in the coming years, and many of these
4 valued citizens will begin to constitute a vulnerable
5 population at increased risk of abuse and exploi-
6 tation in domestic and community-based settings.

7 (3) The projected increase in the number of in-
8 dividuals in the United States aged 65 and over is
9 expected to result in a corresponding increase in the
10 number of cases of elder abuse, which suggests an
11 urgent need for comprehensive consideration of
12 means by which such abuse can be prevented, re-
13 ported, and prosecuted by Federal and State au-
14 thorities.

15 (4) Violent, physical, and sexual assaults upon
16 older individuals are particularly abhorrent and
17 should be prosecuted vigorously by Federal and
18 State law enforcement authorities. Such acts should
19 be deterred by appropriate penalties including en-
20 hanced penalties and the elimination of parole for
21 individuals convicted of violent sexual offenses
22 against the elderly.

1 **SEC. 3. NO PAROLE FOR SEXUAL OFFENSES COMMITTED**
2 **AGAINST OLDER INDIVIDUALS OR FOR SEXU-**
3 **ALLY VIOLENT PREDATORS.**

4 (a) IN GENERAL.—For each fiscal year after the ex-
5 piration of the period specified in subsection (b)(1) in
6 which a State receives funds for the program referred to
7 in subsection (b)(2), the State shall have in effect through-
8 out the State laws and policies that prohibit parole for
9 any individual who—

10 (1) is convicted of a criminal sexual offense
11 against a victim who is an older individual, which
12 shall include any such offense under State law for
13 conduct that would constitute an offense under
14 chapter 109A of title 18, United States Code, had
15 the conduct occurred in the special maritime and
16 territorial jurisdiction of the United States or in a
17 Federal prison; and

18 (2) is a sexually violent predator.

19 (b) COMPLIANCE AND INELIGIBILITY.—

20 (1) COMPLIANCE DATE.—Each State shall have
21 not more than 3 years from the date of enactment
22 of this Act to comply with subsection (a), except
23 that—

24 (A) the Attorney General may grant an ad-
25 ditional 2 years to a State that is making good

1 faith efforts to comply with such subsection;
2 and

3 (B) the Attorney General shall waive the
4 requirements of subsection (a) if compliance
5 with such subsection by a State would be un-
6 constitutional under the constitution of such
7 State.

8 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
9 year after the expiration of the period specified in
10 paragraph (1), a State that fails to comply with sub-
11 section (a) shall not receive 10 percent of the funds
12 that would otherwise be allocated for that fiscal year
13 to the State under the Edward Byrne Memorial Jus-
14 tice Assistance Grant Program under subpart 1 of
15 part E of title I of the Omnibus Crime Control and
16 Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

17 (c) REALLOCATION.—Amounts not allocated under
18 the program referred to in subsection (b)(2) to a State
19 for failure to fully comply with subsection (a) shall be re-
20 allocated under that program to States that have not
21 failed to comply with such subsection.

22 (d) DEFINITIONS.—For the purposes of this sec-
23 tion—

24 (1) the term “older individual” means an indi-
25 vidual who is 65 years of age or older; and

1 (2) the term “sexually violent predator” means
2 a person who—

3 (A) has been convicted of a sexually violent
4 offense; and

5 (B) has been diagnosed by a qualified men-
6 tal health professional as having a mental ab-
7 normality or personality disorder that makes
8 the person likely to engage in predatory sexu-
9 ally violent offenses, or has been determined by
10 a court to suffer from such an illness or dis-
11 order.

12 **SEC. 4. AMENDMENT TO THE FEDERAL SENTENCING**
13 **GUIDELINES.**

14 (a) REQUEST FOR IMMEDIATE CONSIDERATION BY
15 THE UNITED STATES SENTENCING COMMISSION.—Pur-
16 suant to its authority under section 994(p) of title 28,
17 United States Code, and in accordance with this section,
18 the United States Sentencing Commission shall—

19 (1) promptly review the sentencing guidelines
20 applicable to sexual offenses committed against the
21 elderly;

22 (2) expeditiously consider the promulgation of
23 new sentencing guidelines or amendments to existing
24 sentencing guidelines to provide an enhancement for
25 such offenses; and

1 (3) submit to Congress an explanation of ac-
2 tions taken by the Sentencing Commission pursuant
3 to paragraph (2) and any additional policy rec-
4 ommendations the Sentencing Commission may have
5 for combating offenses described in paragraph (1).

6 (b) CONSIDERATIONS IN REVIEW.—In carrying out
7 this section, the Sentencing Commission shall—

8 (1) ensure that the sentencing guidelines and
9 policy statements reflect the serious nature of such
10 offenses and the need for aggressive and appropriate
11 law enforcement action to prevent such offenses;

12 (2) assure reasonable consistency with other
13 relevant directives and with other guidelines;

14 (3) account for any aggravating or mitigating
15 circumstances that might justify exceptions, includ-
16 ing circumstances for which the sentencing guide-
17 lines currently provide sentencing enhancements;

18 (4) make any necessary conforming changes to
19 the sentencing guidelines; and

20 (5) assure that the guidelines adequately meet
21 the purposes of sentencing as set forth in section
22 3553(a)(2) of title 18, United States Code.

23 (c) EMERGENCY AUTHORITY AND DEADLINE FOR
24 COMMISSION ACTION.—The United States Sentencing
25 Commission shall promulgate the guidelines or amend-

1 ments provided for under this section as soon as prac-
2 ticable, and in any event not later than the 180 days after
3 the date of enactment of this Act, in accordance with the
4 procedures set forth in section 21(a) of the Sentencing Re-
5 form Act of 1987, as though the authority under that Act
6 had not expired.

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