

112TH CONGRESS
1ST SESSION

H. R. 578

To ensure that sex offenders and sexually violent predators are not eligible for parole.

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 ensure that sex offenders and sexually violent predators are not eligible for parole.

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 “No Parole for Sex Of-
5 fenders Act”.

6 **SEC. 2. REDUCTION OF GRANT AMOUNTS.**

7 (a) IN GENERAL.—For each fiscal year after the ex-
8 piration of the period specified in subsection (b)(1) in
9 which a State receives funds for the program referred to
10 in subsection (b)(2), the State shall have in effect through-

1 out the State laws and policies that prohibit parole for
2 any individual who—

3 (1) is convicted of a criminal offense against a
4 victim who is a minor; and

5 (2) is a sexually violent predator.

6 (b) COMPLIANCE AND INELIGIBILITY.—

7 (1) COMPLIANCE DATE.—Each State shall have
8 not more than 3 years from the date of enactment
9 of this Act in which to fully implement this Act, ex-
10 cept that the Attorney General—

11 (A) may grant an additional 2 years to a
12 State that is making good faith efforts to imple-
13 ment this Act; and

14 (B) shall waive the requirements of this
15 Act if compliance with this Act by a State
16 would be unconstitutional under the constitu-
17 tion of such State.

18 (2) INELIGIBILITY FOR FUNDS.—For any fiscal
19 year after the expiration of the period specified in
20 paragraph (1), a State that fails to fully implement
21 this Act shall not receive 10 percent of the funds
22 that would otherwise be allocated for that fiscal year
23 to the State under the Edward Byrne Memorial Jus-
24 tice Assistance Grant Program under subpart 1 of

1 part E of title I of the Omnibus Crime Control and
2 Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

3 (c) REALLOCATION.—Amounts not allocated under
4 the program referred to in subsection (b)(2) to a State
5 for failure to fully implement this Act shall be reallocated
6 under that program to States that have not failed to fully
7 implement this Act.

8 **SEC. 3. DEFINITIONS.**

9 For the purposes of this Act:

10 (1) CRIMINAL OFFENSE AGAINST A VICTIM WHO
11 IS A MINOR.—(A) The term “criminal offense
12 against a victim who is a minor” means any criminal
13 offense in a range of offenses specified by State law
14 which is comparable to or which exceeds the fol-
15 lowing range of offenses—

16 (i) kidnapping of a minor, except by a
17 parent;

18 (ii) false imprisonment of a minor, ex-
19 cept by a parent;

20 (iii) criminal sexual conduct toward a
21 minor;

22 (iv) solicitation of a minor to engage
23 in sexual conduct;

24 (v) use of a minor in a sexual per-
25 formance;

1 (vi) solicitation of a minor to practice
2 prostitution;

3 (vii) any conduct that by its nature is
4 a sexual offense against a minor;

5 (viii) production or distribution of
6 child pornography, as described in section
7 2251, 2252, or 2252A of title 18, United
8 States Code; or

9 (ix) an attempt to commit an offense
10 described in any of clauses (i) through
11 (viii), if the State—

12 (I) makes such an attempt a
13 criminal offense; and

14 (II) chooses to include such an
15 offense in those which are criminal of-
16 fenses against a victim who is a minor
17 for the purposes of this section.

18 (B) For purposes of paragraph (1), conduct
19 which is criminal only because of the age of the vic-
20 tim shall not be considered a criminal offense if the
21 perpetrator is 18 years of age or younger.

22 (2) SEXUALLY VIOLENT PREDATOR.—The term
23 “sexually violent predator” means a person who—

24 (A) has been convicted of a sexually violent
25 offense; and

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

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