

**Calendar No. 247**112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 671**

To authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

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**IN THE SENATE OF THE UNITED STATES**

MARCH 29, 2011

Mr. SESSIONS (for himself, Mr. BLUMENTHAL, Mr. HATCH, Ms. KLOBUCHAR, Mr. GRASSLEY, Mr. WHITEHOUSE, Mr. CORNYN, Mr. KYL, Mr. GRAHAM, Mr. LEE, Ms. COLLINS, Mr. THUNE, Mr. COBURN, Mr. BURR, Mr. CHAMBLISS, Mrs. FEINSTEIN, Mr. VITTER, Mr. ENSIGN, Mr. RISCH, Mr. TESTER, Ms. AYOTTE, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

DECEMBER 1, 2011

Reported by Mr. LEAHY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To authorize the United States Marshals Service to issue administrative subpoenas in investigations relating to unregistered sex offenders.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Finding Fugitive Sex  
3 Offenders Act of 2011”.

4 **SEC. 2. SUBPOENA AUTHORITY FOR THE UNITED STATES**  
5 **MARSHALS SERVICE.**

6 Section 566(c)(1) of title 28, United States Code, is  
7 amended—

8 (1) in subparagraph (A), by striking “and” at  
9 the end;

10 (2) in subparagraph (B), by striking the period  
11 at the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(C) issue administrative subpoenas in ac-  
14 cordance with section 3486 of title 18 solely for  
15 the purpose of investigating unregistered sex of-  
16 fenders (as that term is defined in section 3486  
17 of title 18).”.

18 **SEC. 3. CONFORMING AMENDMENT TO ADMINISTRATIVE**  
19 **SUBPOENA STATUTE.**

20 (a) **IN GENERAL.**—Section 3486(a)(1) of title 18,  
21 United States Code, is amended—

22 (1) in subparagraph (A)—

23 (A) in clause (i)(II), by striking “or” at  
24 the end;

25 (B) by redesignating clause (ii) as clause  
26 (iii); and

1           (C) by inserting after clause (i) the fol-  
2           lowing:

3           “(ii) an unregistered sex offender conducted by  
4           the United States Marshals Service, the Director of  
5           the United States Marshals Service; or”;

6           (2) by striking subparagraph (D) and inserting  
7           the following:

8           “(D) As used in this paragraph—

9           “(i) the term ‘Federal offense involv-  
10           ing the sexual exploitation or abuse of chil-  
11           dren’ means an offense under section  
12           1201, 1591, 2241(e), 2242, 2243, 2251,  
13           2251A, 2252, 2252A, 2260, 2421, 2422,  
14           or 2423, in which the victim is an indi-  
15           vidual who has not attained the age of 18  
16           years; and

17           “(ii) the term ‘sex offender’ means an  
18           individual required to register under the  
19           Sex Offender Registration and Notification  
20           Act (42 U.S.C. 16901 et seq.).”.

21           (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
22           Section 3486(a) of title 18, United States Code, is amend-  
23           ed—

24           (1) in paragraph (6)(A), by striking “United  
25           State” and inserting “United States”;

1           (2) in paragraph (9), by striking “or (1)(A)(ii)”  
 2           and inserting “or (1)(A)(iii)”; and  
 3           (3) in paragraph (10), by striking “paragraph  
 4           (1)(A)(ii)” and inserting “paragraph (1)(A)(iii)”.

5 **SECTION 1. SHORT TITLE.**

6           *This Act may be cited as the “Finding Fugitive Sex*  
 7 *Offenders Act of 2011”.*

8 **SEC. 2. SUBPOENA AUTHORITY FOR THE UNITED STATES**  
 9 **MARSHALS SERVICE.**

10           *Section 566(e)(1) of title 28, United States Code, is*  
 11 *amended—*

12           (1) in subparagraph (A), by striking “and” at  
 13           the end;

14           (2) in subparagraph (B), by striking the period  
 15           at the end and inserting “; and”; and

16           (3) by adding at the end the following:

17                   “(C) issue administrative subpoenas in ac-  
 18                   cordance with section 3486 of title 18 solely for  
 19                   the purpose of investigating unregistered sex of-  
 20                   fenders (as that term is defined in section 3486  
 21                   of title 18).”.

22 **SEC. 3. CONFORMING AMENDMENT TO ADMINISTRATIVE**  
 23 **SUBPOENA STATUTE.**

24           (a) *IN GENERAL.*—Section 3486(a)(1) of title 18,  
 25 *United States Code, is amended—*

1           (1) *in subparagraph (A)—*

2                 (A) *in clause (i)(II), by striking “or” at the*  
3 *end;*

4                 (B) *by redesignating clause (ii) as clause*  
5 *(iii); and*

6                 (C) *by inserting after clause (i) the fol-*  
7 *lowing:*

8                     “(ii) *an unregistered sex offender conducted by*  
9 *the United States Marshals Service, the Director of*  
10 *the United States Marshals Service; or”;* and

11           (2) *by striking subparagraph (D) and inserting*  
12 *the following:*

13                     “(D) *As used in this paragraph—*

14                             “(i) *the term ‘Federal offense involving*  
15 *the sexual exploitation or abuse of children’*  
16 *means an offense under section 1201, 1591,*  
17 *2241(c), 2242, 2243, 2251, 2251A, 2252,*  
18 *2252A, 2260, 2421, 2422, or 2423, in which*  
19 *the victim is an individual who has not at-*  
20 *tained the age of 18 years; and*

21                             “(ii) *the term ‘sex offender’ means an*  
22 *individual required to register under the*  
23 *Sex Offender Registration and Notification*  
24 *Act (42 U.S.C. 16901 et seq.).”.*

1       (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—  
2 *Section 3486(a) of title 18, United States Code, is amend-*  
3 *ed—*

4           (1) *in paragraph (6)(A), by striking “United*  
5 *State” and inserting “United States”;*

6           (2) *in paragraph (9), by striking “or (1)(A)(ii)”*  
7 *and inserting “or (1)(A)(iii)”;* and

8           (3) *in paragraph (10), by striking “paragraph*  
9 *(1)(A)(ii)” and inserting “paragraph (1)(A)(iii)”.*

10 **SEC. 4. REPORT.**

11       *Section 3486 of title 18, United States Code, is amend-*  
12 *ed by inserting at the end the following:*

13       “(f) *REPORTS.*—*The Attorney General shall submit to*  
14 *the Committee on the Judiciary of the Senate and the Com-*  
15 *mittee on the Judiciary of the House of Representatives an*  
16 *annual report containing—*

17           “(1) *the number of subpoenas issued by the*  
18 *United States Marshals pursuant to section*  
19 *566(e)(1)(C) of title 28;*

20           “(2) *the crime being investigated pursuant to the*  
21 *issuance of each subpoena; and*

22           “(3) *the number of unregistered sex offenders ar-*  
23 *rested by the United States Marshals subsequent to*  
24 *the issuance of a subpoena pursuant to section*

- 1        *566(e)(1)(C) of title 28 and the information that led*
- 2        *to each individual's arrest.”.*

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