

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board
--in recent past or present

- AT&T Services, Inc.
 - centerpoint360
 - UPS
 - Bayer Corporation
 - GlaxoSmithKline
 - Energy Future Holdings
 - Johnson & Johnson
 - Coca-Cola Company
 - PhRMA
 - Kraft Foods, Inc.
 - Coca-Cola Co.
 - Pfizer Inc.
 - Reed Elsevier, Inc.
 - DIAGEO
 - Peabody Energy
 - Intuit, Inc.
 - Koch Industries, Inc.
 - ExxonMobil
 - Verizon
 - Reynolds American Inc.
 - Wal-Mart Stores, Inc.
 - Salt River Project
 - Altria Client Services, Inc.
 - American Bail Coalition
 - State Farm Insurance
- For more on these corporations, search at www.SourceWatch.org.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

MEETINGS

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Sexual Offenses Against Children Act

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

Summary

This Act increases penalties for sexual offenses committed against children, and provides for mandatory sentences for certain of these offenses. Further, the Act strengthens the reporting requirements for adjudicated sexual offenders.

Model Legislation

Section 1. {Title} This Act shall be known as the [] Act.

Section 2. {Definitions}

(1) As used in this Act the term 'sexual offense against a victim who is a minor' includes every offense (other than an offense involving sexual conduct where the victim was at least 13 years old and the offender was not more than 4 years older than the victim and the sexual conduct was consensual) which involves any one or more of the following:

- (i) Sexual conduct.
- (ii) Solicitation to engage in sexual conduct.
- (iii) Use in sexual performance.
- (iv) Solicitation to practice prostitution.
- (v) Kidnapping (unless committed by a parent of the minor).
- (vi) False imprisonment (unless committed by a parent of the minor).
- (vii) Production, distribution or possession of child pornography.
- (viii) Any attempt or conspiracy to commit an offense under this subparagraph.

(2) As used in this Act the term 'sexual offender' means any person convicted of a sexual offense against a victim who is a minor.

Section 3. {Criminal Penalties}

(1) MANDATORY MINIMUM TERMS OF IMPRISONMENT FOR SEXUAL OFFENSES AGAINST CHILDREN. – A person who is convicted of a sexual offense against a victim who is a minor shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense –

(i) if the sexual offense results in the death of the minor, be sentenced to mandatory life imprisonment and {in States with the death penalty} made eligible for the death penalty;

(ii) if the sexual offense includes kidnapping, forcible rape, sodomy, or maiming, or results in serious bodily injury, be imprisoned for life or any term of years not less than 30;

(iii) if the sexual offense results in bodily injury, be imprisoned for life or for any term of years not less than 20;

(iv) if a dangerous weapon was used during and in relation to the sexual offense, be imprisoned for life or for any term of years not less than 15; and

(v) in any other case, be imprisoned for life or for any term of years not less than 10.

(2) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEXUAL OFFENSES AGAINST CHILDREN. –

(i) A person who is convicted of a sexual offense against a victim who is a minor shall be sentenced to life imprisonment if the person has a prior conviction for a sexual offense in which a minor was the victim, unless the sentence of death is imposed.

(ii) The term ‘prior conviction for a sexual offense’ means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent State sexual offense, and which was for a Federal sexual offense or a State sexual offense.

(3) STATUTE OF LIMITATIONS. – A sexual offense against a victim who is a minor may be prosecuted within 10 years of the offense, or within five years after the minor reaches the age of emancipation, whichever is longer.

(4) NO PRETRIAL RELEASE. – Where the charge is one of a sexual offense against a victim who is a minor, pretrial release shall not be granted if the accused poses a substantial risk to the community and is highly likely to recidivate under the provisions of this Act.

(5) PROBATION/SUPERVISED RELEASE. – A person who has been convicted of a sexual offense against a victim who is a minor shall, in addition to the term of imprisonment, be placed on a term of probation or supervised release after imprisonment for a term not less than 5 years, and up to life.

(6) ELECTRONIC MONITORING. –

(i) A person who has been convicted of a sexual offense against a victim who is a minor shall be required to have electronic monitoring for the remainder of their probation or supervised release, wearing at all times a location-transmitting device (such as an anklet).

(ii) A person required to have electronic monitoring under this section shall bear the associated costs, unless it is determined that such costs would result in an undue economic hardship to the person.

(7) ASSISTANCE TO A SEXUAL OFFENDER. – A person who, with the intent to assist the sexual offender in eluding a law enforcement entity that is seeking to find the sexual offender for questioning or arrest, commits one of the following:

(i) Withholds information from, or does not notify, the law enforcement agency about the sexual offender's noncompliance with the requirements of this section, and, if known, the whereabouts of the sexual offender;

(ii) Harbors, or attempts to harbor, or assists another person in harboring or attempting to harbor, the sexual offender;

(iii) Conceals or attempts to conceal, or assists another person in concealing or attempting to conceal, the sexual offender; or

(iv) Knowingly provides false information to the law enforcement agency regarding the sexual offender, commits a felony of the third degree {or equivalent State offense}, and shall be subject to up to 2 years imprisonment or a \$100,000 fine, or both.

(8) RESTITUTION. - A person who has been convicted of a sexual offense against a victim who is a minor shall be required to pay restitution to the victim, or if the crime resulted in the victim's death, then to the victim's heirs.

Section 4. {Special Rules Applying to Offenders Who Commit Sexual Offenses Against Children}

(1) In the case of a sexual offender as defined in Section 2, the following requirements shall (in addition to any other requirements under this Act and in Federal law) apply:

(i) REGISTRATION REQUIREMENTS. - Any person convicted of a sexual offense against a victim who is a minor under this Act must register with the State as a sexual offender. Registration shall include the following information:

Name; social security number; race; sex; date of birth; height; weight; hair and eye color; address of any permanent residence and address of any current temporary residence, within the state or out of state, including a rural route address and a post office box; description of crime(s); date and place of any employment; tattoo(s) or identifying marks; vehicle make, model, color, and license tag number; fingerprints; and photograph. A post office box shall not be provided in lieu of a physical residential address.

(ii) NOTIFICATION OF SCHOOLS AND OTHER ENTITIES. - Whenever a sexual offender is required to provide registration information, the appropriate law enforcement agency with responsibility for supervising the sexual offender's compliance must provide the information from Section 4(1)(i) to appropriate entities within the sexual offender's community, including, but not limited to:

(I) schools;

(II) public housing; and

(III) at least 2 media outlets (such as newspapers, television stations, or radio stations) covering that community.

(iii) UPDATING AND VERIFYING REGISTRY INFORMATION -

(I) Sexual offenders are required to report in person to the appropriate law enforcement authorities any changes to the registration information within 7 days of such change.

(II) The appropriate law enforcement entity with responsibility for monitoring a sexual offender shall send a non-forwardable "Verification of Registry Information" notice to the person at the address reflected in the sexual offender registry. Such notice shall be sent at a random time, but such notice shall be sent at least once every six months and at least twice in each calendar year. The person shall report to the appropriate law enforcement authorities in person to verify the accuracy of the person's registration information within 7 days after receiving the notice. A person's failure to report within the period allowed shall be punishable in the same manner as a failure to register. The person shall bear the associated financial costs under this section, unless it is determined that such costs would result in an undue economic hardship to the person.

(III) A sexual offender who fails to comply with a requirement of this section commits a felony of the third degree {or equivalent State offense} and shall be subject to up to 2 years imprisonment or a \$100,000 fine, or both.

(IV) Failure to comply shall also be deemed a violation of any parole, probation, or supervised release and the sexual offender shall, in addition to any sentence imposed by subparagraph (IV), be required to serve out the remaining time from the original sentence, without the possibility of early release.

(V) In addition to any other consequence that may be imposed by law, a sexual offender who fails to register or fails to keep such registration current on two or more occasions shall, upon release from imprisonment, be required to have electronic monitoring for a period of not less than 5 years.

(2) Appropriate State authorities with responsibility for monitoring offenders under this Section shall:

(i) Provide public notification on state maintained registries for all sexual offenders required to register under this section in compliance with the Federal Jacob Wetterling Act.

(ii) Implement safeguards and conditions to ensure that sexual offenders are properly monitored including, but not limited to, procedures and protocols for verifying information, and manageable officer to sexual offender workloads.

(iii) Take effective actions to locate and apprehend a registered sexual offender if his or her address cannot be verified or the offender cannot be immediately located.

(3) **TERM OF REGISTRATION.** – A person who has been convicted of a sexual offense against a victim who is a minor shall maintain registration with the appropriate State authority for the duration of his or her life, unless the sexual offender has received a pardon on the ground of innocence or has had every conviction for which registration is required set aside in a post-conviction proceeding. Except for sexual offenders for whom lifetime registration is required under the standards of the Jacob Wetterling Act (42 U.S.C. 14071), a sexual offender who has been released from imprisonment, supervision, or sanction, whichever is later, for at least 20 years may petition the court for release from registration. To be eligible for release from registration the sexual offender cannot have had any felony or misdemeanor arrests since being released from imprisonment, supervision, or sanction, whichever is later.

(4) **APPLICABILITY OF REQUIREMENTS TO ALL SEXUAL OFENDERS.** – The registration and other requirements imposed by this Section shall apply to those sexual offenders previously adjudicated guilty for a crime described in Section 2, but which was adjudicated prior to this law taking effect.

Section 5. {Rights of Victims in Cases Brought Under this Act}

(1) In addition to any victim protections and rights afforded by State law, victims in cases involving sexual offenses committed against children shall, at a minimum, have the following rights:

(i) The right to be reasonably protected from the accused.

(ii) The right to reasonable, accurate, and timely notice of any public court proceeding involving the crime, or of any release or escape of the accused.

(iii) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.

(iv) The right to be reasonably heard at any public proceeding in the trial court involving release, plea, sentencing, or any probation/supervised release proceeding.

(v) The reasonable right to confer with the attorney for the Government in the case.

(vi) The right to full and timely restitution as provided in law.

(vii) The right to proceedings free from unreasonable delay.

(viii) The right to be treated with fairness and with respect for the victim's dignity and privacy.

(2) In any court proceeding involving an offense under this Act, the court shall ensure that the crime victim is afforded the rights described in subsection (a). Before making a determination described in subsection (1)(iii), the court shall make every effort to permit the fullest attendance possible by the victim and shall consider reasonable alternatives to the exclusion of the victim from the criminal proceeding. The reasons for any decision denying relief under this Section shall be clearly stated on the record.

(3) The term 'victim' for purposes of this Section shall have the same meaning as defined in State law.

Section 6. {Severability Clause}

Section 7. {Repealer Clause}

Section 8. {Effective Date}

Adopted by ALEC's Criminal Justice Task Force at the Spring Task Force Summit on April 22, 2006. Approved by the ALEC Board of Directors in May, 2006.

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