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HOUSE OF REPRESENTATIVES
REPORT
115–627

COMBAT ONLINE PREDATORS ACT

APRIL 10, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOODLATTE, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 4203]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4203) to amend title 18, United States Code, with regard to stalking, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The Amendment

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combat Online Predators Act".

SEC. 2. ENHANCED PENALTY FOR STALKERS OF CHILDREN.

(a) IN GENERAL.—Chapter 110A of title 18, United States Code, is amended by inserting after section 2261A the following:

"§ 2261B. Enhanced penalty for stalkers of children

"If the victim of an offense under section 2261A is under the age of 18 years, the maximum imprisonment for the offense is 5 years greater than the maximum term of imprisonment otherwise provided for that offense in section 2261.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261A the following new item:

"2261B. Enhanced penalty for stalkers of children.".

(c) CONFORMING AMENDMENT.—Section 2261A of title 18, United States Code, is amended by striking "section 2261(b) of this title" and inserting "section 2261(b) or section 2262B, as the case may be".

SEC. 3. REPORT ON BEST PRACTICES REGARDING ENFORCEMENT OF ANTI-STALKING LAWS.

Not later than one year after the date of the enactment of this Act, the Attorney General shall submit a report to Congress, which shall—

(1) include an evaluation of Federal, tribal, State, and local efforts to enforce laws relating to stalking; and

(2) identify and describe those elements of such efforts that constitute the best practices for the enforcement of such laws.

Purpose and Summary

H.R. 4203 enhances current federal anti-stalking laws by increasing the criminal penalty by up to an additional five years when the victim is a minor. The legislation also requires the Department of Justice to evaluate enforcement of stalking laws at the local and federal level and identify and describe best practices for enforcing such laws. Published best practices will be beneficial to prosecutors in securing convictions in these notoriously difficult cases.

Background and Need for the Legislation

In 1996, Congress passed an anti-stalking law as part of the Violence Against Women Act (VAWA). Under this law, it is a federal felony to cross state lines to stalk or harass an individual if the conduct causes fear of serious bodily injury or death to the stalking victim or to the victim's immediate family members. It is also a federal felony to stalk or harass on military or U.S. territorial lands, including Indian country.[1] However, there is no provision in the current statute that allows an elevated penalty when the victim is a minor. Moreover, because stalking cases are difficult to prosecute, it would be useful for prosecutors to have access to materials establishing best practices in these types of cases.

Hearings

There was no hearing held on H.R. 4203; however, the Committee on the Judiciary held a hearing on crimes against children on March 16, 2017. Testimony was received from John Shehan, Vice President, Exploited Children Division, National Center for Missing and Exploited Children; Ms. Francey Hakes, Consultant & Child Protection Advocate, Former Assistant United States Attorney, Former National Coordinator for Child Exploitation Prevention and Interdiction; Detective Patrick Beaver, Loudoun County Sheriff's Office, Member of the Internet Crimes Against Children

[1] 18 U.S.C. § 2261A.

Task Force; and, Ms. Nicole Pittman, Vice President and Director of the Center on Youth Registration Reform, Impact Justice.

Committee Consideration

On November 2, 2017, the Committee met in open session and ordered the bill (H.R. 4203) favorably reported, with an amendment, by voice vote, a quorum being present.

Committee Votes

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 4203.

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

New Budget Authority and Tax Expenditures

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

Congressional Budget Office Cost Estimate

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 3249, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 29, 2017.

Hon. BOB GOODLATTE, CHAIRMAN,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4203, the Combat Online Predators Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran, who can be reached at 226–2860.

Sincerely,

KEITH HALL.

Enclosure

cc: Democratic Staff

H.R. 4203 would add five years to the maximum prison sentence for stalking minors. As a result, new offenders could face longer prison sentences. The bill would require the Department of Justice (DOJ) to report to the Congress on federal, state, tribal, and local efforts to enforce laws related to stalking. Based on its analysis of similar DOJ tasks, CBO estimates that implementing the bill would cost less than $500,000 in 2018. CBO expects that any costs to the federal prison system resulting from longer sentences would be incurred after 2022; any such spending would be subject to the availability of appropriated funds.

Enacting H.R. 4203 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4203 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4203 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

Duplication of Federal Programs

No provision of H.R. 4203 establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

Disclosure of Directed Rule Makings

The Committee finds that H.R. 4203 contains no directed rule making within the meaning of 5 U.S.C. § 551.

Performance Goals and Objectives

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee states that H.R. 4203 enhances federal anti-stalking law by providing for up to a five-year sentencing enhancement when the victim is a minor, and also requires the Attorney General to issue a report regarding best practices for prosecuting stalking cases at the state, local, tribal, and Federal levels.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 4203 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

Section-by-Section Analysis

Section 1. Short Title. Section 1 sets forth the short title of the bill as the "Combat Online Predators Act."

Sec 2. Enhanced Penalty for Stalkers of Children. This section adds up to a five-year sentencing enhancement to the federal stalking statute where the stalking victim is a minor.

Sec 3. Best Practices Regarding Enforcement of Anti-Stalking Laws to be Included in Annual Report of the Attorney General. This section requires DOJ to evaluate the efficacy of enforcement of stalking laws at the local and federal levels and to report on best practices in enforcing such laws.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

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PART I—CRIMES

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CHAPTER 110A—DOMESTIC VIOLENCE AND STALKING

Sec.
2261. Interstate domestic violence.
2261A. Interstate stalking.
2261B. Enhanced penalty for stalkers of children.

* * * * * * *

§ 2261A. Stalking

Whoever—

(1) travels in interstate or foreign commerce or is present within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian country, with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel or presence engages in conduct that—

(A) places that person in reasonable fear of the death of, or serious bodily injury to—

(i) that person;

(ii) an immediate family member (as defined in section 115) of that person; or

(iii) a spouse or intimate partner of that person; or

(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of subparagraph (A); or

(2) with the intent to kill, injure, harass, intimidate, or place under surveillance with intent to kill, injure, harass, or intimidate another person, uses the mail, any interactive computer service or electronic communication service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct that—

(A) places that person in reasonable fear of the death of or serious bodily injury to a person described in clause (i), (ii) or (iii) of paragraph (1)(A); or

(B) causes, attempts to cause, or would be reasonably expected to cause substantial emotional distress to a person described in clause (i), (ii), or (iii) of paragraph (1)(A),

shall be punished as provided in **[**section 2261(b) of this title**]** *section 2261(b) or section 2262B, as the case may be*.

§ 2261B. Enhanced penalty for stalkers of children

If the victim of an offense under section 2261A is under the age of 18 years, the maximum imprisonment for the offense is 5 years greater than the maximum term of imprisonment otherwise provided for that offense in section 2261.

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