

ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006 SUMMARY OF KEY PROVISIONS

Creation of a National Sex Offender Registry:

This Title establishes the National Sex Offender Registry, which will keep track of all sex offender identification, address, employment, vehicle, and other information, as well as a recent photo and information on offenders' criminal history. The Title also creates the Dru Sjodin National Sex Offender Public Website, which will be available to the public to search for sex offender information by geographic radius and zip code.

How the Registry Works under the Act:

Sex offenders are required to register under the Act prior to their release from prison or within 3 days of being sentenced if there is no term of imprisonment. Thereafter, sex offenders must verify their information in person at regular intervals, depending on the severity of the sex offense they committed. This severity is determined by the tier into which the sex offense falls. Tier I offenders, who are the least serious offenders, must appear once a year in person and will remain on the registry for 15 years. Tier II offenders must appear every 6 months in person and will remain on the registry for 25 years. Tier III offenders, who are the most serious offenders, must appear every 3 months for in person verification of information. Tier III offenders remain on the registry for life.

Penalty for Failure to Register:

A sex offender who fails to register or update his registration now faces up to 10 years in prison. If an unregistered sex offender commits a crime of violence, the offender will face a 5 year mandatory prison sentence in addition to any other sentence imposed.

DOJ's Creation of Registry Software for the Registry:

To facilitate the registry, DOJ is required to create software that allows for immediate information sharing among jurisdictions and with community notification participants, including child friendly businesses that opt-in to receiving notice.

New Penalties for Child and Sex Crimes:

The Act creates a number of tougher penalties for sex offenses and violent crimes against children, including:

- Mandatory assured penalties for crimes of violence against children, including the possibility of the death penalty for the murder of a child in a federal offense;
- A mandatory 30 year penalty for anyone who commits aggravated sexual abuse (i.e. rape) against a child;

- A mandatory 10 year penalty for sex trafficking offenses involving children and for criminal coercion for child prostitution;
- Expansion of the two-strikes life sentence for repeat sex offenders for those who commit sex trafficking offenses.

Civil Commitment of Dangerous Sex Offenders

The Act allows for civil commitment procedures for sex offenders who show, while incarcerated, that they cannot conform their behavior once they are released from prison.

Child Pornography Prevention

Title V of the Act strengthens the pornography recordkeeping and labeling requirements passed by Congress in 1988 in the aftermath of the Meese Commission. The new requirements extend recordkeeping and labeling requirements to simulated sexually explicit conduct, as well as to lascivious displays of genitalia. The purpose of the provisions is to ensure universal age verification and recordkeeping to protect children and teenagers from being exploited by pornographers.

Grants, Studies, and Programs to Protect Children and Communities

The Act contains a number of pilot programs, grants, and studies that were proposed in legislation in the 109th Congress to address child and community safety. These provisions range from a pilot program for the electronic monitoring of sex offenders, to funding for Big Brothers and Big Sisters, to grants to allow parents to obtain fingerprint records for their children.

Internet Safety Provisions:

These provisions create tough new penalties for child exploitation enterprises and repeat sex offenders, as well as deception via the Internet via embedded images. The Internet safety provisions also fund federal prosecution resources (200 new AUSAs), ICAC task forces, and forensic laboratories, all of which are needed for the investigation and prosecution of child sex offenses. The Internet safety provisions also expand the civil remedy available to children who have been sexually abused or exploited.