

119TH CONGRESS
1ST SESSION

S. _____

To amend title 18, United States Code, to enhance enforcement with respect to material depicting obscene child sexual abuse or constituting child pornography, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CORNYN (for himself, Mr. BLUMENTHAL, Mr. LEE, and Mr. KENNEDY) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend title 18, United States Code, to enhance enforcement with respect to material depicting obscene child sexual abuse or constituting child pornography, and for other purposes.

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 “Enhancing Necessary
5 Federal Offenses Regarding Child Exploitation Act” or
6 the “ENFORCE Act”.

1 **SEC. 2. CLARIFYING PRODUCTION WITH RESPECT TO MA-**
2 **TERIAL CONSTITUTING OR CONTAINING**
3 **CHILD PORNOGRAPHY.**

4 Section 2252A of title 18, United States Code, is
5 amended—

6 (1) in subsection (a), by striking paragraph (7)
7 and inserting the following:

8 “(7) knowingly produces child pornography, as
9 defined in section 2256(8)(C), that—

10 “(A) the person knows, or has reason to
11 know, will be mailed, shipped, or transported
12 using any means or facility of interstate or for-
13 eign commerce or in or affecting interstate or
14 foreign commerce;

15 “(B) was produced using materials that
16 have been mailed, shipped, or transported in or
17 affecting interstate or foreign commerce; or

18 “(C) has been mailed, shipped, or trans-
19 ported using any means or facility of interstate
20 or foreign commerce or in or affecting inter-
21 state or foreign commerce,”; and

22 (2) in subsection (b)—

23 (A) in paragraph (1), by striking “or (6)”
24 and inserting “(6), or (7)”; and

25 (B) by striking paragraph (3).

1 **SEC. 3. ENHANCING ENFORCEMENT WITH RESPECT TO OB-**
2 **SCENE VISUAL REPRESENTATIONS OF CHILD**
3 **SEXUAL ABUSE.**

4 (a) REMOVING THE STATUTE OF LIMITATIONS FOR
5 OBSCENE VISUAL REPRESENTATIONS OF CHILD SEXUAL
6 ABUSE.—Section 3299 of title 18, United States Code, is
7 amended by inserting “1466A or” before “1591”.

8 (b) INCLUDING CRIMES OF OBSCENE VISUAL REP-
9 RESENTATIONS OF CHILD SEXUAL ABUSE IN SEX OF-
10 FENDER REGISTRATION.—Section 111(5)(A)(iii) of the
11 Adam Walsh Child Protection and Safety Act of 2006 (34
12 U.S.C. 20911(5)(A)(iii)) is amended by inserting “1466A
13 or” before “1591”.

14 (c) PROHIBITION ON REPRODUCTION OF OBSCENE
15 VISUAL REPRESENTATIONS OF CHILD SEXUAL ABUSE IN
16 DISCOVERY.—Section 1466A of title 18, United States
17 Code, is amended—

18 (1) by redesignating subsection (f) as sub-
19 section (g); and

20 (2) by inserting after subsection (e) the fol-
21 lowing:

22 “(f) PROHIBITION ON REPRODUCTION OF OBSCENE
23 VISUAL DEPICTIONS OF CHILD SEXUAL ABUSE.—In any
24 criminal proceeding brought under this section—

25 “(1) any visual depiction involved in a violation
26 of this section shall remain in the care, custody, and

1 control of either the Government or the court in the
2 same manner specified for child pornography in
3 paragraphs (1) and (2) of section 3509(m); and

4 “(2) any identifiable minor, as that term is de-
5 fined in section 2256(9), depicted in any visual de-
6 piction involved in a violation of this section may
7 have access to such depiction in the same manner
8 specified for a victim, with respect to child pornog-
9 raphy depicting the victim, in section 3509(m)(3).”.

10 (d) PRESUMPTION OF DETENTION FOR VIOLATIONS
11 OF SECTION 1466A PENDING TRIAL.—Section 3142 of
12 title 18, United States Code, is amended—

13 (1) in subsection (c)(1)(B), in the undesignated
14 matter following clause (xiv), by striking “that in-
15 volves” and all that follows through “2425 of this
16 title” and inserting “that involves an offense de-
17 scribed in subsection (e)(3)(E)”; and

18 (2) in subsection (e)(3), by striking subpara-
19 graph (E) and inserting the following:

20 “(E) an offense—

21 “(i) involving a minor victim under
22 section 1201, 1591, 2241(a), 2241(b),
23 2242, 2244(a)(1), 2245, 2421, or 2422(a)
24 of this title; or

1 “(ii) under section 1466A(a), 2241(c),
2 2251A, 2252(a)(1), 2252(a)(2),
3 2252(a)(3), 2252A(a)(1), 2252A(a)(2),
4 2252A(a)(3), 2252A(a)(4), 2260, 2422(b),
5 2423, or 2425 of this title.”.

6 (e) SUPERVISED RELEASE FOR VIOLATIONS OF SEC-
7 TION 1466A AFTER IMPRISONMENT.—Section 3583(k) of
8 title 18, United States Code, is amended, in the first sen-
9 tence, by inserting “1466A,” before “1591,”.