

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 3772

To ensure that States do not issue driver's licenses or identification cards to sex offenders unless the offenders are in compliance with all applicable registration requirements.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2005

Mr. GIBBONS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To ensure that States do not issue driver's licenses or identification cards to sex offenders unless the offenders are in compliance with all applicable registration requirements.

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 "Protecting Our Chil-  
5       dren from Sexual Predators Act of 2005".

1 **SEC. 2. ISSUANCE OF DRIVER'S LICENSES OR IDENTIFICA-**  
2 **TION CARDS TO SEX OFFENDERS.**

3 A State or tribal actor that issues driver's licenses  
4 or identification cards must have in effect throughout the  
5 jurisdiction of the actor laws and policies that ensure the  
6 following:

7 (1) The actor does not issue a driver's license,  
8 commercial driver's license, or identification card to  
9 a sex offender or renew the driver's license, commer-  
10 cial driver's license or identification card of a sex of-  
11 fender until the actor has satisfactory evidence indi-  
12 cating that the sex offender is in compliance with all  
13 applicable sex offender registration requirements.

14 (2) A driver's license, commercial driver's li-  
15 cense, or identification card issued to a sex offender  
16 expires on the first anniversary date of the offend-  
17 er's birthday, measured from the birthday nearest  
18 the date of issuance.

19 **SEC. 3. IMPLEMENTATION BY STATES AND INDIAN TRIBES.**

20 (a) IN GENERAL.—Each State actor or tribal actor  
21 shall have not more than 2 years from the date of the  
22 enactment of this Act in which to fully implement this Act.

23 (b) IMPLEMENTATION BY TRIBES AND IN INDIAN  
24 COUNTRY.—The Attorney General shall coordinate with  
25 the Secretary of the Interior to assist tribal actors in fully

1 implementing this Act throughout the jurisdiction of each  
2 tribal actor.

3 (c) INELIGIBILITY FOR FUNDS.—

4 (1) IN GENERAL.—For any fiscal year after the  
5 expiration of the period specified in subsection (a),  
6 a State actor or tribal actor that fails to fully imple-  
7 ment this Act shall not receive 10 percent of the  
8 funds that would otherwise be allocated for that fis-  
9 cal year to the actor under any of the following pro-  
10 grams:

11 (A) BYRNE.—Subpart 1 of Part E of title  
12 I of the Omnibus Crime Control and Safe  
13 Streets Act of 1968 (42 U.S.C. 3750 et seq.),  
14 whether characterized as the Edward Byrne  
15 Memorial State and Local Law Enforcement  
16 Assistance Programs, the Edward Byrne Me-  
17 morial Justice Assistance Grant Program, or  
18 otherwise.

19 (B) LLEBG.—The Local Government  
20 Law Enforcement Block Grants program.

21 (C) OTHER LAW ENFORCEMENT  
22 GRANTS.—Any other program under which the  
23 Attorney General provides grants or other fi-  
24 nancial assistance.

1           (2) REALLOCATION.—Amounts not allocated  
2           under a program referred to in paragraph (1) to an  
3           actor for failure to fully implement this Act shall be  
4           reallocated under that program to State actors and  
5           tribal actors that have not failed to fully implement  
6           this Act.

7 **SEC. 4. DEFINITIONS.**

8           In this Act:

9           (1) STATE ACTOR.—The term “State actor”  
10          means any of the following:

11                 (A) A State.

12                 (B) The District of Columbia, the Com-  
13                 monwealth of Puerto Rico, Guam, American  
14                 Samoa, the United States Virgin Islands, or  
15                 any other territory or possession of the United  
16                 States.

17          (2) TRIBAL ACTOR.—The term “tribal actor”  
18          means a federally recognized Indian tribe.

19          (3) SEX OFFENDER.—The term “sex offender”  
20          means an individual who, either before or after the  
21          enactment of this Act, was convicted of, or adju-  
22          dicated a juvenile delinquent for, an offense (other  
23          than an offense involving sexual conduct where the  
24          victim was at least 13 years old and the offender  
25          was not more than 4 years older than the victim and

1 the sexual conduct was consensual, or an offense  
2 consisting of consensual sexual conduct with an  
3 adult) whether Federal, State, local, tribal, foreign  
4 (other than an offense based on conduct that would  
5 not be a crime if the conduct took place in the  
6 United States), military, juvenile or other, that is—

7 (A) a specified offense against a minor;

8 (B) a serious sex offense; or

9 (C) a misdemeanor sex offense against a  
10 minor.

11 (4) SPECIFIED OFFENSE AGAINST A MINOR.—

12 The term “specified offense against a minor” means  
13 an offense against a minor that involves any of the  
14 following:

15 (A) Kidnapping (unless committed by a  
16 parent).

17 (B) False imprisonment (unless committed  
18 by a parent).

19 (C) Solicitation to engage in sexual con-  
20 duct.

21 (D) Use in a sexual performance.

22 (E) Solicitation to practice prostitution.

23 (F) Possession, production, or distribution  
24 of child pornography.

1 (G) Criminal sexual conduct towards a  
2 minor.

3 (H) Any conduct that by its nature is a  
4 sexual offense against a minor.

5 (I) Any other offense designated by the At-  
6 torney General for inclusion in this definition.

7 (J) Any attempt or conspiracy to commit  
8 an offense described in this paragraph.

9 (5) SERIOUS SEX OFFENSE.—The term “seri-  
10 ous sex offense” means—

11 (A) a sex offense punishable under the law  
12 of a jurisdiction by imprisonment for more than  
13 one year;

14 (B) any Federal offense under chapter  
15 109A, 110, 117, or section 1591 of title 18,  
16 United States Code;

17 (C) an offense in a category specified by  
18 the Secretary of Defense under section  
19 115(a)(8)(C) of title I of Public Law 105–119  
20 (10 U.S.C. 951 note);

21 (D) any other offense designated by the  
22 Attorney General for inclusion in this definition.

23 (6) MISDEMEANOR SEX OFFENSE AGAINST A  
24 MINOR.—The term “misdemeanor sex offense  
25 against a minor” means a sex offense against a

1 minor punishable by imprisonment for not more  
2 than one year.

3 (7) MINOR.—The term “minor” means an indi-  
4 vidual who has not attained the age of 18 years.

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