

117TH CONGRESS  
2D SESSION

# H. R. 7263

To establish appropriate penalties for possession of child pornography, and  
for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2022

Mr. BUCK introduced the following bill; which was referred to the Committee  
on the Judiciary

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## A BILL

To establish appropriate penalties for possession of 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 “Prosecutorial Remedies  
5 and Other Tools to end the Exploitation of Children Today  
6 Act” or the “PROTECT Act of 2022”.

1 **SEC. 2. SENTENCING FOR CHILD PORNOGRAPHY OF-**  
2 **FENSES.**

3 (a) **IN GENERAL.**—Section 3553(b)(2) of title 18,  
4 United States Code, is amended by adding at the end the  
5 following:

6 “(B) **CHILD PORNOGRAPHY OFFENDERS.**—

7 “(i) **DEFINITION.**—In this subpara-  
8 graph, the term ‘child pornography of-  
9 fense’ means a violation of, or an attempt  
10 or conspiracy to violate, section 2251,  
11 2251A, 2252(a), 2252A(a), or 2260.

12 “(ii) **FACTS PROVEN DURING TRIAL**  
13 **OR ADMITTED BY THE DEFENDANT.**—Not-  
14 withstanding subparagraph (A), in sen-  
15 tencing a defendant convicted of a child  
16 pornography offense, a court shall impose  
17 a sentence of the kind, and that is not less  
18 than the minimum period in the sentencing  
19 range, referred to in subsection (a)(4), as  
20 determined based on facts proved beyond a  
21 reasonable doubt during a jury or bench  
22 trial and facts admitted by the defendant  
23 that are relevant to determining the kind  
24 and range of sentence, unless the court  
25 makes a finding described in clause (i),  
26 (ii), or (iii) of subparagraph (A).

1 “(iii) FACTS FOUND BY COURTS.—

2 “(I) IN GENERAL.—Notwith-  
3 standing subparagraph (A), in sen-  
4 tencing a defendant convicted of a  
5 child pornography offense, a court  
6 shall consider, and may impose, a sen-  
7 tence of the kind, and within the sen-  
8 tencing range, referred to in sub-  
9 section (a)(4), as determined based on  
10 all facts found by the court that are  
11 relevant to determining the kind and  
12 range of sentence.

13 “(II) MINIMUM PERIOD.—Noth-  
14 ing in subclause (I) shall authorize a  
15 court to impose a sentence that is less  
16 than—

17 “(aa) the minimum sentence  
18 determined in accordance with  
19 clause (ii); or

20 “(bb) the minimum sentence  
21 otherwise required by statute.”.

22 (b) PENALTIES FOR POSSESSION.—Chapter 110 of  
23 title 18, United States Code, is amended—

24 (1) in section 2252(b)—

1           (A) by striking “(1) Whoever violates, or  
2 attempts or conspires to violate, paragraph (1),  
3 (2), or (3) of subsection (a)” and inserting  
4 “Whoever violates, or attempts or conspires to  
5 violate, subsection (a)”; and

6           (B) by striking paragraph (2); and  
7 (2) in section 2252A(b)—

8           (A) in paragraph (1), by inserting “(5),”  
9 after “(4),”;

10          (B) by striking paragraph (2); and

11          (C) by redesignating paragraph (3) as  
12 paragraph (2).

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