

118TH CONGRESS
2D SESSION

H. R. 9047

To amend title 18, United States Code, to modify provisions relating to kidnapping, sexual abuse, and illicit sexual conduct with respect to minors.

IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2024

Mr. NEHLS (for himself and Ms. DEAN of Pennsylvania) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to modify provisions relating to kidnapping, sexual abuse, and illicit sexual conduct with respect to minors.

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. KIDNAPPING; SEXUAL ABUSE; ILLICIT SEXUAL**
4 **CONDUCT WITH RESPECT TO MINORS.**

5 (a) IN GENERAL.—Part I of title 18, United States
6 Code, is amended—

7 (1) in section 1201—

8 (A) in subsection (a), in the matter pre-
9 ceding paragraph (1), by inserting “obtains by

1 defrauding or deceiving any person,” after “ab-
2 ducts,”;

3 (B) in subsection (b), by inserting “ob-
4 tained by defrauding or deceiving any person,”
5 after “abducted,”; and

6 (C) in subsection (g), by adding at the end
7 the following:

8 “(2) DEFENSE.—For an offense described in
9 this subsection involving a victim who has not at-
10 tained the age of 16 years, it is not a defense that
11 the victim consented to the conduct of the offender,
12 unless the offender can establish by a preponderance
13 of the evidence that the offender reasonably believed
14 that the victim had attained the age of 16 years.”;

15 (2) in chapter 109A—

16 (A) in section 2241(c), by striking “crosses
17 a State line” and inserting “travels in inter-
18 state or foreign commerce”;

19 (B) in section 2242(3), by striking “, to
20 include doing so” and inserting “or”;

21 (C) in section 2243, by adding at the end
22 the following:

23 “(f) INTENTIONAL TOUCHING INVOLVING INDIVID-
24 UALS UNDER THE AGE OF 16.—

1 “(1) OFFENSE.—It shall be unlawful, in the
2 special maritime and territorial jurisdiction of the
3 United States or in a Federal prison, or in any pris-
4 on, institution, or facility in which persons are held
5 in custody by direction of or pursuant to a contract
6 or agreement with the head of any Federal depart-
7 ment or agency, to knowingly cause the intentional
8 touching, not through the clothing, of the genitalia
9 of any person by a person who has not attained the
10 age of 16 years, with an intent to abuse, humiliate,
11 harass, degrade, or arouse or gratify the sexual de-
12 sire of any person, or attempt to do so, if to do so
13 would violate subsection (a), (b), or (c) of this sec-
14 tion, section 2241, or section 2242 had such inten-
15 tional touching been a sexual act.

16 “(2) PENALTY.—Any person who violates para-
17 graph (1) shall be fined under this title, imprisoned
18 as provided in the applicable provision of law de-
19 scribed in that paragraph, or both.”; and

20 (D) in section 2244—

21 (i) in subsection (a)—

22 (I) by redesignating paragraphs
23 (1) through (6) as subparagraphs (A)
24 through (F), respectively, and adjust-
25 ing the margins accordingly;

1 (II) by striking “Whoever” and
2 inserting the following:

3 “(1) IN GENERAL.—Whoever”;

4 (III) in paragraph (1), as so des-
5 ignated—

6 (aa) in the matter preceding
7 subparagraph (A), as so redesign-
8 ated, by striking “if so to do”
9 and inserting “if to do so”;

10 (bb) in subparagraph (A), as
11 so redesignated, by striking
12 “ten” and inserting “10”;

13 (cc) in subparagraph (B), as
14 so redesignated, by striking
15 “three” and inserting “3”;

16 (dd) in subparagraph (C), as
17 so redesignated, by striking
18 “two” and inserting “2”;

19 (ee) in subparagraph (D), as
20 so redesignated, by striking
21 “two” and inserting “2”; and

22 (ff) in subparagraph (F), as
23 so redesignated, by striking the
24 semicolon at the end and insert-
25 ing a period; and

1 (IV) by adding at the end the fol-
2 lowing:

3 “(2) ATTEMPT.—Whoever attempts to commit
4 an offense under paragraph (1) shall be subject to
5 the same penalty as for a completed offense.”;

6 (ii) in subsection (b)—

7 (I) by inserting “or causes” after
8 “engages in”;

9 (II) by inserting “or by” after
10 “sexual contact with”;

11 (III) by inserting “, or attempts
12 to do so,” after “other person’s per-
13 mission”; and

14 (IV) by striking “two” and in-
15 serting “2”; and

16 (iii) in subsection (c), by striking “If
17 the sexual contact that violates this section
18 (other than subsection (a)(5)) is with an
19 individual” and inserting “If the sexual
20 contact or attempted sexual contact that a
21 person engages in or causes in violation of
22 this section (other than subsection
23 (a)(1)(E)) is with or by an individual”;
24 and

25 (3) in section 2423(f)(1)—

1 (A) by striking “a sexual act (as defined in
2 section 2246) with” and inserting “any conduct
3 involving”; and

4 (B) by striking “sexual act occurred” and
5 inserting “conduct occurred”.

6 (b) EFFECTIVE DATE.—The amendment to section
7 2241(c) of title 18, United States Code, made by sub-
8 section (a) shall apply to conduct that occurred before, on,
9 or after the date of enactment of this Act.

10 **SEC. 2. CONFORMING AMENDMENTS RELATING TO ABU-**
11 **SIVE SEXUAL CONTACT.**

12 (a) PENALTIES FOR CIVIL RIGHTS OFFENSES IN-
13 VOLVING SEXUAL MISCONDUCT.—Section 250(b) of title
14 18, United States Code, is amended—

15 (1) in paragraph (2), by striking “section
16 2244(a)(5),” and inserting “section 2244(a)(1)(E),
17 or an attempt to engage in or cause such contact as
18 prohibited by section 2244(a)(2),”;

19 (2) in paragraph (4), in the matter preceding
20 subparagraph (A), by striking “subsection (a)(1) or
21 (b) of section 2244, but excluding abusive sexual
22 contact through the clothing” and inserting “section
23 2244(a)(1)(A), an attempt to engage in or cause
24 such contact as prohibited by section 2244(a)(2), or
25 abusive sexual contact of the type prohibited by sec-

1 tion 2244(b), but excluding abusive sexual contact
2 through the clothing or an attempt to engage in or
3 cause such contact”;

4 (3) in paragraph (5), in the matter preceding
5 subparagraph (A), by striking “section 2244(a)(2)”
6 and inserting “section 2244(a)(1)(B) or an attempt
7 to engage in or cause such contact as prohibited by
8 section 2244(a)(2)”;

9 (4) in paragraph (6), in the matter preceding
10 subparagraph (A), by striking “subsection (a)(3),
11 (a)(4), or (b) of section 2244” and inserting “sub-
12 paragraph (C) or (D) of section 2244(a)(1), an at-
13 tempt to engage in or cause such contact as prohib-
14 ited by section 2244(a)(2), or abusive sexual contact
15 of the type prohibited by section 2244(b)”.

16 (b) SENTENCING CLASSIFICATION OF OFFENSES.—
17 Section 3559 of title 18, United States Code, is amend-
18 ed—

19 (1) in subsection (c)(2)(F)(i), by striking “sec-
20 tions 2244(a)(1) and (a)(2)” and inserting “sub-
21 paragraphs (A) and (B) of section 2244(a)(1)”;

22 (2) in subsection (e)(2)(A), by striking
23 “2244(a)(1)” and inserting “2244(a)(1)(A)”.

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