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(Original Signature of Member)

110TH CONGRESS
1ST SESSION

H. R.

To require convicted sex offenders to register online identifiers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. POMEROY (for himself, Mr. GILLMOR, and [see ATTACHED LIST of cosponsors]) introduced the following bill; which was referred to the Committee on _____

A BILL

To require convicted sex offenders to register online identifiers, 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 “Keeping the Internet
5 Devoid of Sexual Predators Act of 2007” or the “KIDS
6 Act of 2007”.

1 **SEC. 2. REGISTRATION OF ONLINE IDENTIFIERS OF SEX**
2 **OFFENDERS.**

3 (a) IN GENERAL.—Section 114(a) of the Sex Of-
4 fender Registration and Notification Act (42 U.S.C.
5 16914(a)) is amended—

6 (1) by redesignating paragraphs (4) through
7 (7) as paragraphs (5) through (8); and

8 (2) by inserting after paragraph (3) the fol-
9 lowing:

10 “(4) Any electronic mail address, instant mes-
11 sage address, or other similar Internet identifier the
12 sex offender used or will use to communicate over
13 the Internet.”.

14 (b) UPDATING OF INFORMATION.—Section 113(c) of
15 the Sex Offender Registration and Notification Act (42
16 U.S.C. 16913(c)) is amended by inserting “and before any
17 use of an electronic mail address, instant message address,
18 or other similar Internet identifier not provided under sub-
19 section (b) by the sex offender to communicate over the
20 Internet,” after “or student status,”.

21 (c) FAILURE TO REGISTER ONLINE IDENTIFIERS.—
22 Section 2250 of title 18, United States Code, is amend-
23 ed—

24 (1) in subsection (b), by inserting “or (d)” after
25 “subsection (a)”; and

26 (2) by adding at the end the following:

1 “(d) FAILURE TO REGISTER ONLINE IDENTIFI-
2 FIERS.—

3 “(1) IN GENERAL.—It shall be unlawful for any
4 person who is required to register under the Sex Of-
5 fender Registration and Notification Act (42 U.S.C.
6 16901 et seq.) to fail to provide an electronic mail
7 address, instant message address, or other similar
8 Internet identifier used by that person to commu-
9 nicate over the Internet to the appropriate official
10 for inclusion in the sex offender registry, as required
11 under that Act.

12 “(2) PENALTY.—Any person who violates para-
13 graph (1) shall be fined under this title, imprisoned
14 not more than 10 years, or both.”.

15 **SEC. 3. RELEASE OF ELECTRONIC MAIL ADDRESSES, IN-**
16 **STANT MESSAGE ADDRESSES, OR OTHER**
17 **SIMILAR INTERNET IDENTIFIERS.**

18 (a) PUBLIC ACCESS.—Section 118(b) of the Sex Of-
19 fender Registration and Notification Act (42 U.S.C.
20 16918(b)) is amended—

21 (1) in paragraph (3), by striking “and” at the
22 end;

23 (2) by redesignating paragraph (4) as para-
24 graph (5); and

1 (3) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) any electronic mail address, instant mes-
4 sage address, or other similar Internet identifier
5 used by the sex offender; and”.

6 (b) NATIONAL REGISTRY.—Section 119 of the Sex
7 Offender Registration and Notification Act (42 U.S.C.
8 16919) is amended by adding at the end the following:

9 “(c) RELEASE OF ELECTRONIC MAIL ADDRESSES,
10 INSTANT MESSAGE ADDRESSES, OR OTHER SIMILAR
11 INTERNET IDENTIFIERS TO COMMERCIAL SOCIAL NET-
12 WORKING WEBSITE.—

13 “(1) IN GENERAL.—The Attorney General shall
14 maintain a system allowing a commercial social net-
15 working website to compare the database of reg-
16 istered users of that commercial social networking
17 website to the list of electronic mail addresses, in-
18 stant message addresses, and other similar Internet
19 identifiers of persons in the National Sex Offender
20 Registry.

21 “(2) PROCESS FOR RELEASE OF ELECTRONIC
22 MAIL ADDRESSES, INSTANT MESSAGE ADDRESSES,
23 OR OTHER SIMILAR INTERNET IDENTIFIERS.—A
24 commercial social networking website desiring to
25 compare its database of registered users to the list

1 of electronic mail addresses, instant messages, and
2 other similar Internet identifiers of persons in the
3 National Sex Offender Registry shall provide to the
4 Attorney General—

5 “(A) the name, address, and telephone
6 number of the commercial social networking
7 website;

8 “(B) the specific legal nature and cor-
9 porate status of the commercial social net-
10 working website;

11 “(C) an affirmation signed by the chief
12 legal officer of the commercial social networking
13 website that the information obtained from that
14 database shall not be disclosed for any purpose
15 other than for comparing the database of reg-
16 istered users of that commercial social net-
17 working website against the list of electronic
18 mail addresses, instant message addresses, and
19 other similar Internet identifiers of persons in
20 the National Sex Offender Registry to protect
21 children from online sexual predators and that
22 disclosure of this information for purposes other
23 than those under this section may be unlawful;
24 and

1 “(D) the name, address, and telephone
2 number of a natural person who consents to
3 service of process for the commercial social net-
4 working website.

5 “(3) USE OF DATABASE.—After a commercial
6 social networking website has complied with para-
7 graph (2) and paid any fee established by the Attor-
8 ney General, the commercial social networking
9 website may compare its database of registered users
10 to the list of electronic mail addresses, instant mes-
11 sage addresses, and other similar Internet identifiers
12 of persons in the National Sex Offender Registry as
13 frequently as the Attorney General may allow for the
14 purpose of identifying a registered user associated
15 with an electronic mail address, instant message ad-
16 dress, or other similar Internet identifier contained
17 in the National Sex Offender Registry.

18 “(4) INTERIM PERIOD.—In any interim period
19 before the National Sex Offender Registry is imple-
20 mented, any commercial social networking website
21 shall have access to the electronic mail addresses, in-
22 stant message addresses, and other similar Internet
23 identifiers of persons required to register in a juris-
24 diction’s sex offender registry through the methods
25 set forth in paragraphs (2) through (5). Until such

1 time as the National Sex Offender Registry is imple-
2 mented, the term ‘Attorney General’ shall be re-
3 placed with ‘the jurisdiction’ and the term ‘the Na-
4 tional Sex Offender Registry’ shall be replaced with
5 ‘a jurisdiction’s sex offender registry’ in paragraphs
6 (2) through (5).”.

7 **SEC. 4. DEFINITIONS.**

8 Section 111 of the Sex Offender Registration and No-
9 tification Act (42 U.S.C. 16911) is amended—

10 (1) in paragraph (7)(H), by striking the period
11 and inserting the following: “, except that it shall
12 not be necessary to show that the sexual conduct ac-
13 tually occurred or to offer proof that the defendant
14 engaged in an act, other than use of the Internet to
15 facilitate criminal sexual conduct involving a
16 minor.”; and

17 (2) by adding at the end the following:

18 “(15) The term ‘commercial social networking
19 website’ means a commercially operated Internet
20 website that—

21 “(A) allows users to create web pages or
22 profiles that provide information about them-
23 selves and are available publicly or to other
24 users; and

1 “(B) offers a mechanism for communica-
2 tion with other users, such as a forum, chat
3 room, electronic mail, or instant messenger.

4 “(16) The term ‘chat room’ means any Internet
5 website through which a number of users can com-
6 municate in real time via text and that allows mes-
7 sages to be almost immediately visible to all other
8 users or to a designated segment of all other users.

9 “(17) The term ‘Internet’ has the meaning
10 given that term in section 1101 of the Internet Tax
11 Freedom Act (47 U.S.C. 151 note).

12 “(18) The term ‘electronic mail address’ has
13 the meaning given that term in section 3 of the Con-
14 trolling the Assault of Non-Solicited Pornography
15 and Marketing Act of 2003 (15 U.S.C. 7702).

16 “(19) The term ‘instant message address’
17 means an identifier that allows a person to commu-
18 nication in real-time with another person using the
19 Internet.”.

20 **SEC. 5. CRIMINALIZATION OF AGE MISREPRESENTATION IN**
21 **CONNECTION WITH ONLINE SOLICITATION**
22 **OF A MINOR.**

23 Section 2252C of title 18, United States Code, is
24 amended—

1 (1) by redesignating subsections (c) and (d) as
2 subsections (d) and (e), respectively; and

3 (2) by inserting after subsection (b) the fol-
4 lowing:

5 “(c) AGE MISREPRESENTATION.—Any person 18
6 years or older who knowingly misrepresents their age with
7 the intent to use the Internet to engage in criminal sexual
8 conduct involving a minor, or to facilitate or attempt such
9 conduct, shall be fined under this title and imprisoned for
10 not more than 20 years. Such penalty shall be in addition
11 to any penalty pursuant to the laws of any jurisdiction
12 for the crime of using the Internet to engage in criminal
13 sexual conduct involving a minor, or to facilitate or at-
14 tempt such conduct.”.