

118TH CONGRESS
2D SESSION

S. 4708

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Strengthening Child
3 Exploitation Enforcement Act”.

4 **SEC. 2. KIDNAPPING; SEXUAL ABUSE; ILLICIT SEXUAL CON-**
5 **DUCT WITH RESPECT TO MINORS.**

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

8 (1) in section 1201—

9 (A) in subsection (a), in the matter pre-
10 ceeding paragraph (1), by inserting “obtains by
11 defrauding or deceiving any person,” after “ab-
12 ducts,”;

13 (B) in subsection (b), by inserting “ob-
14 tained by defrauding or deceiving any person,”
15 after “abducted,”; and

16 (C) in subsection (g), by adding at the end
17 the following:

18 “(2) DEFENSE.—For an offense described in
19 this subsection involving a victim who has not at-
20 tained the age of 16 years, it is not a defense that
21 the victim consented to the conduct of the offender,
22 unless the offender can establish by a preponderance
23 of the evidence that the offender reasonably believed
24 that the victim had attained the age of 16 years.”;

25 (2) in chapter 109A—

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

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

6 (C) in section 2243, by adding at the end
7 the following:

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

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

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

5 (D) in section 2244—

6 (i) in subsection (a)—

7 (I) by redesignating paragraphs
 8 (1) through (6) as subparagraphs (A)
 9 through (F), respectively, and adjust-
 10 ing the margins accordingly;

11 (II) by striking “Whoever” and
 12 inserting the following:

13 “(1) IN GENERAL.—Whoever”;

14 (III) in paragraph (1), as so des-
 15 ignated—

16 (aa) in the matter preceding
 17 subparagraph (A), as so redesign-
 18 ated, by striking “if so to do”
 19 and inserting “if to do so”;

20 (bb) in subparagraph (A), as
 21 so redesignated, by striking
 22 “ten” and inserting “10”;

23 (cc) in subparagraph (B), as
 24 so redesignated, by striking
 25 “three” and inserting “3”;

1 (dd) in subparagraph (C), as
2 so redesignated, by striking
3 “two” and inserting “2”;

4 (ee) in subparagraph (D), as
5 so redesignated, by striking
6 “two” and inserting “2”; and

7 (ff) in subparagraph (F), as
8 so redesignated, by striking the
9 semicolon at the end and insert-
10 ing a period; and

11 (IV) by adding at the end the fol-
12 lowing:

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

16 (ii) in subsection (b)—

17 (I) by inserting “or causes” after
18 “engages in”;

19 (II) by inserting “or by” after
20 “sexual contact with”;

21 (III) by inserting “, or attempts
22 to do so,” after “other person’s per-
23 mission”; and

24 (IV) by striking “two” and in-
25 serting “2”; and

1 (iii) in subsection (c), by striking “If
2 the sexual contact that violates this section
3 (other than subsection (a)(5)) is with an
4 individual” and inserting “If the sexual
5 contact or attempted sexual contact that a
6 person engages in or causes in violation of
7 this section (other than subsection
8 (a)(1)(E)) is with or by an individual”;
9 and

10 (3) in section 2423(g)(1)—

11 (A) by striking “a sexual act (as defined in
12 section 2246) with” and inserting “any conduct
13 involving”; and

14 (B) by striking “sexual act occurred” and
15 inserting “conduct occurred”.

16 (b) EFFECTIVE DATE.—The amendment to section
17 2241(c) of title 18, United States Code, made by sub-
18 section (a) shall apply to conduct that occurred before, on,
19 or after the date of enactment of this Act.

20 **SEC. 3. CONFORMING AMENDMENTS RELATING TO ABU-**
21 **SIVE SEXUAL CONTACT.**

22 (a) PENALTIES FOR CIVIL RIGHTS OFFENSES IN-
23 VOLVING SEXUAL MISCONDUCT.—Section 250(b) of title
24 18, United States Code, is amended—

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

5 (2) in paragraph (4), in the matter preceding
6 subparagraph (A), by striking “subsection (a)(1) or
7 (b) of section 2244, but excluding abusive sexual
8 contact through the clothing” and inserting “section
9 2244(a)(1)(A), an attempt to engage in or cause
10 such contact as prohibited by section 2244(a)(2), or
11 abusive sexual contact of the type prohibited by sec-
12 tion 2244(b), but excluding abusive sexual contact
13 through the clothing or an attempt to engage in or
14 cause such contact”;

15 (3) in paragraph (5), in the matter preceding
16 subparagraph (A), by striking “section 2244(a)(2)”
17 and inserting “section 2244(a)(1)(B) or an attempt
18 to engage in or cause such contact as prohibited by
19 section 2244(a)(2)”;

20 (4) in paragraph (6), in the matter preceding
21 subparagraph (A), by striking “subsection (a)(3),
22 (a)(4), or (b) of section 2244” and inserting “sub-
23 paragraph (C) or (D) of section 2244(a)(1), an at-
24 tempt to engage in or cause such contact as prohib-

1 ited by section 2244(a)(2), or abusive sexual contact
2 of the type prohibited by section 2244(b)”.

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

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

9 (2) in subsection (e)(2)(A), by striking
10 “2244(a)(1)” and inserting “2244(a)(1)(A)”.

Passed the Senate November 21, 2024.

Attest:

Secretary.

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