

AMENDMENT TO RULES COMMITTEE PRINT 119-

33

OFFERED BY MRS. WAGNER OF MISSOURI

Page 1208, insert after line 21 the following (and conform the table of contents accordingly):

1 **SEC. 17__ . CLARIFYING PRODUCTION WITH RESPECT TO**
2 **MATERIAL CONSTITUTING OR CONTAINING**
3 **CHILD PORNOGRAPHY.**

4 (a) IN GENERAL.—Section 2252A of title 18, United
5 States Code, is amended—

6 (1) in subsection (a), by striking paragraph (7)
7 and inserting the following:

8 “(7) knowingly produces child pornography, as
9 defined in section 2256(8)(C), that—

10 “(A) the person knows, or has reason to
11 know, will be mailed, shipped, or transported
12 using any means or facility of interstate or for-
13 eign commerce or in or affecting interstate or
14 foreign commerce;

15 “(B) was produced using materials that
16 have been mailed, shipped, or transported in or
17 affecting interstate or foreign commerce; or

1 “(C) has been mailed, shipped, or trans-
2 ported using any means or facility of interstate
3 or foreign commerce or in or affecting inter-
4 state or foreign commerce,”; and

5 (2) in subsection (b)—

6 (A) in paragraph (1), by striking “or (6)”
7 and inserting “(6), or (7)”; and

8 (B) by striking paragraph (3).

9 (b) REMOVING THE STATUTE OF LIMITATIONS FOR
10 OBSCENE VISUAL REPRESENTATIONS OF CHILD SEXUAL
11 ABUSE.—Section 3299 of title 18, United States Code, is
12 amended by inserting “1466A or” before “1591”.

13 (c) INCLUDING CRIMES OF OBSCENE VISUAL REP-
14 RESENTATIONS OF CHILD SEXUAL ABUSE IN SEX OF-
15 FENDER REGISTRATION.—Section 111(5)(A)(iii) of the
16 Adam Walsh Child Protection and Safety Act of 2006 (34
17 U.S.C. 20911(5)(A)(iii)) is amended by inserting “1466A
18 or” before “1591”.

19 (d) PROHIBITION ON REPRODUCTION OF OBSCENE
20 VISUAL REPRESENTATIONS OF CHILD SEXUAL ABUSE IN
21 DISCOVERY.—Section 1466A of title 18, United States
22 Code, is amended—

23 (1) by redesignating subsection (f) as sub-
24 section (g); and

1 (2) by inserting after subsection (e) the fol-
2 lowing:

3 “(f) PROHIBITION ON REPRODUCTION OF OBSCENE
4 VISUAL DEPICTIONS OF CHILD SEXUAL ABUSE.—In any
5 criminal proceeding brought under this section—

6 “(1) any visual depiction involved in a violation
7 of this section shall remain in the care, custody, and
8 control of either the Government or the court in the
9 same manner specified for child pornography in
10 paragraphs (1) and (2) of section 3509(m); and

11 “(2) any identifiable minor, as that term is de-
12 fined in section 2256(9), depicted in any visual de-
13 piction involved in a violation of this section may
14 have access to such depiction in the same manner
15 specified for a victim, with respect to child pornog-
16 raphy depicting the victim, in section 3509(m)(3).”.

17 (e) PRESUMPTION OF DETENTION FOR VIOLATIONS
18 OF SECTION 1466A PENDING TRIAL.—Section 3142 of
19 title 18, United States Code, is amended—

20 (1) in subsection (e)(1)(B), in the undesignated
21 matter following clause (xiv), by striking “that in-
22 volves” and all that follows through “2425 of this
23 title” and inserting “that involves an offense de-
24 scribed in subsection (e)(3)(E)”; and

1 (2) in subsection (e)(3), by striking subpara-
2 graph (E) and inserting the following:

3 “(E) an offense—

4 “(i) involving a minor victim under
5 section 1201, 1591, 2241(a), 2241(b),
6 2242, 2244(a)(1), 2245, 2421, or 2422(a)
7 of this title; or

8 “(ii) under section 1466A(a), 2241(c),
9 2251A, 2252(a)(1), 2252(a)(2),
10 2252(a)(3), 2252A(a)(1), 2252A(a)(2),
11 2252A(a)(3), 2252A(a)(4), 2260, 2422(b),
12 2423, or 2425 of this title.”.

13 (f) SUPERVISED RELEASE FOR VIOLATIONS OF SEC-
14 TION 1466A AFTER IMPRISONMENT.—Section 3583(k) of
15 title 18, United States Code, is amended, in the first sen-
16 tence, by inserting “1466A,” before “1591.”.

