

## THE VIOLENCE AGAINST CHILDREN ACT of 2006

**Purpose: To better protect children from childhood sexual abuse, to better inform and warn the people of sexual predators who prey on children, and to better ensure that perpetrators and those who facilitate such abuse are deterred and punished.**

(1) Establishment of an easily accessible national register of those who have been convicted of the crime of childhood sexual abuse, or related crimes, and of reported civil cases involving claims of childhood sexual abuse. [The Relevant Federal Department/Agency/Department of Justice] shall create and maintain a database of information on all persons in the United States convicted of or charged with crimes of childhood sexual abuse, which will be funded by Congress on an annual basis with an amount sufficient to make the database comprehensive and easily available to the public, including:

- (a) information on the identity of those who are convicted of crimes of childhood sexual abuse.
- (a) information on pending charges or indictments involving crimes of childhood sexual abuse.
- (a) tracking of interstate movement of persons convicted of childhood sexual abuse crimes, including the transportation of underage girls for the purpose of marriage and statutory rape.
- (a) a register of all civil cases filed involving charges of childhood sexual abuse.

(2) Conditions on federal spending for health to encourage states to enact legislation necessary to protect children from childhood sexual abuse. The Secretary shall withhold \_\_\_ per centum of the amount required to be apportioned to any state under [relevant sections dealing with health and welfare funding, including Medicare and Medicaid] on the first day of each fiscal year immediately following a year in which the state has not enacted the following minimum provisions necessary to ensure basic protection of children against abuse:

- (a) abolition of statutes of limitations under state law for all criminal prosecution and all civil claims arising out of incidents of childhood sexual abuse;
- (a) retroactive abolition of statutes of limitations under state law for a minimum of two years for all civil claims arising out of past incidents of childhood sexual abuse, to be effective through at least X years from the date of enactment of this act;
- (a) mandatory reporting by all professionals, including clergy, of any personal knowledge of child abuse gained within the scope of their employment; and
- (a) reporting of data on all persons convicted of or charged with child abuse crimes and on relevant civil cases to the agency referenced in (1).

(3) Revocation of tax-exempt status for organizations furthering child abuse. Tax-exempt status for a charitable organization under the Internal Revenue Code shall be revoked by the Internal Revenue Service from any organization if it is found by a court of law in a civil or criminal case that the organization:

- (a) Fostered the abuse of children,
- (b) Took steps to conceal the abuse of children within the organization, OR
- (c) Failed to report knowledge of childhood sexual abuse to the relevant law enforcement authorities.

(1) Civil RICO amendment to deter organizations from harboring pedophiles, hiding child abuse, or recklessly disregarding child abuse. The first sentence of Section 1964(c) of the Racketeer-Influenced and Corrupt Organizations Act, 18 U.S.C. § § 1961- 1965 is amended to read as follows:

'Any person injured in his business, property, or person who is a victim of childhood sexual abuse by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee, except that no person may rely upon any conduct that would have been actionable as fraud in the purchase or sale of securities to establish a violation of section 1962.'

(2) Criminal RICO amendment to deter organizations from harboring pedophiles, hiding child abuse, or disregarding child abuse. The first sentence of Section 1961 (1) (A) of the Racketeer-Influenced and Corrupt Organizations Act, 18 U.S.C. § § 1961- 1965, is amended to read as follows:

'As used in this chapter [18 USCS §§ 1961 et seq.]--(1) "racketeering activity" means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, childhood sexual abuse, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act [21 USCS § 802]), which is chargeable under State law and punishable by imprisonment for more than one year;

*For further information, contact Professor Marci Hamilton, Cardozo School of Law, hamilton02@aol.com; Barbara Blaine, SNAP, snapblaine@hotmail.com; John Harris, A Matter of Truth, JWHarris57@aol.com; Pauline Salvucci, Voices of Outrage, voices@psalvucci.com.*