119TH CONGRESS
2D SESSION

S. ______

To establish the Karly Rain Wood Repeat Violent Felon Registration and Notification Program within the Department of Justice, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. RICKETTS (for himself and Mrs. FISCHER) introduced the following bill; which was read twice and referred to the Committee on ______________

A BILL

To establish the Karly Rain Wood Repeat Violent Felon Registration and Notification Program within the Department of Justice, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Karly Rain Wood Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. PURPOSE.

The purpose of this Act is to protect the public from repeat violent felons by establishing a comprehensive national system for the registration of repeat violent felons in response to the vicious attack of Karly Rain Wood.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARSON; ASSAULT WITH INTENT TO COMMIT RAPE; EXTORTION; FIREARMS USE; KIDNAPPING; SERIOUS VIOLENT FELONY; SERIOUS DRUG OFFENSE; STATE.—The terms ‘‘arson’’, ‘‘assault with intent to commit rape’’, ‘‘extortion’’, ‘‘firearms use’’, ‘‘serious violent felony’’, ‘‘serious drug offense’’ and ‘‘State’’ have the meanings given those terms in section 3559(c)(2) of title 18, United States Code.

(2) ASSISTANCE PROGRAM.—The term ‘‘assistance program’’ means the Repeat Violent Felon

Management Assistance Program established under section 12.

(3) EMPLOYEE.—The term "employee" includes an individual who is self-employed or works for any other entity, whether compensated or not.

(4) EXCEPTED OFFENSE.—The term "excepted offense" means—

(A) robbery, an attempt, conspiracy, or solicitation to commit robbery, or a miscellaneous violent offense for which the defendant establishes by clear and convincing evidence that—

(i) no firearm or other dangerous weapon was used in the offense and no threat of use of a firearm or other dangerous weapon was involved in the offense; and

(ii) the offense did not result in death or serious bodily injury (as defined in section 1365 of title 18, United States Code) to any person; and

(B) arson for which the defendant establishes by clear and convincing evidence that—

(i) the offense posed no threat to human life; and

(ii) the defendant reasonably believed the offense posed no threat to human life.

(5) FIREARM.—The term ''firearm'' has the meaning given the term in section 5845 of the Internal Revenue Code of 1986.

(6) INDIAN TRIBE.—The term ''Indian Tribe'' means a Federally recognized Indian Tribe.

(7) JURISDICTION.—The term ''jurisdiction'' means—

(A) a State; and

(B) an Indian Tribe that elects to qualify as a jurisdiction for the purposes of this Act under section 13(a)(1).

(8) MISCELLANEOUS VIOLENT OFFENSE.—The term ''miscellaneous violent offense'' means an offense punishable by a maximum term of imprisonment of 5 years or more that has as an element the use, attempted use, or threatened use of physical force against the person of another or that, by its nature, involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.

(9) NATIONAL REPEAT VIOLENT FELON REGISTRY.—The term ''National Repeat Violent Felon

Registry'' means the registry maintained under section 8(a)(1).

(10) NATIONAL WEBSITE.—The term ''national website'' means National Repeat Violent Felon Public Website established under section 8(b)(1).

(11) NOTIFICATION PROGRAM.—The term ''notification program'' means the Repeat Violent Felon Community Notification Program established under section 9(a).

(12) QUALIFYING OFFENSE.—The term ''qualifying offense''—

(A) means—

(i) arson;

(ii) murder;

(iii) voluntary manslaughter;

(iv) kidnapping;

(v) aggravated assault;

(vi) a forcible sexual offense;

(vii) robbery;

(viii) extortion;

(ix) the unlawful use or unlawful possession of a firearm;

(x) the use or unlawful possession of explosive material (as defined in section 841 of title 18, United States Code);

(xi) assault with intent to commit rape;

(xii) a serious violent felony; and

(xiii) the use of a firearm, during and in relation to, or in furtherance of an offense described in clauses (i) through (xii); and

(B) does not include an excepted offense.

(13) REGISTER.—The term ''register'' means the submission of a registration to a registry.

(14) REGISTRY.—The term ''registry'' means a jurisdiction-wide repeat violent felon registry maintained in accordance with section 4(b).

(15) RESIDES.—the term ''resides'' means, with respect to an individual, the location of the individual's home or other place where the individual habitually lives

(16) REPEAT VIOLENT FELON.—The term ''repeat violent felon'' means an individual who—has received a final conviction of—

(A) not fewer than 2 qualifying offenses; or

(B) not fewer than 1 qualifying offense and not fewer than 1 serious drug offense.

(17) STUDENT.—The term ''student'' means an individual who enrolls in or attends an educational institution, including (whether public or private) a secondary school, trade or professional school, and institution of higher education.

SEC. 4. KARLY RAIN WOOD REPEAT VIOLENT FELON REGISTRATION AND NOTIFICATION PROGRAM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Attorney General shall establish a program within the Department of Justice to be known as the ''Karly Rain Wood Repeat Violent Felon Registration and Notification Program''.

(2) COORDINATION OF STATE REGISTRIES.—Under the program established under paragraph (1), the Attorney General shall coordinate with jurisdictions in maintaining the registries required under subsection (b).

(3) REGULATIONS.—The Attorney General shall issue guidance and promulgate regulations to carry out this Act.

(b) JURISDICTION REQUIREMENT.—Not later than the date prescribed under section 11(a), each jurisdiction shall maintain a jurisdiction-wide repeat violent felon registry under which a repeat violent felon shall be required to comply with the registration requirements under section 5.

SEC. 5. REGISTRATION REQUIREMENTS.

(a) IN GENERAL.—A repeat violent felon shall register and keep the registration current in each jurisdiction where the repeat violent felon—

(1) resides;

(2) is an employee; and

(3) is a student.

(b) INITIAL REGISTRATION.—

(1) IN GENERAL.—For initial registration purposes only, a repeat violent felon shall register in each jurisdiction in which the repeat violent felon is convicted if such jurisdiction is different from the jurisdiction in which the repeat violent felon resides.

(2) DEADLINE.—A repeat violent felon required to register under this Act shall submit an initial registration to each required registry—

(A) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(B) if the repeat violent felon is not sentenced to a term of imprisonment, not later than 3 business days after being sentenced for that offense.

(3) INABILITY TO COMPLY.—The Attorney General may—

(A) specify the applicability of—

(i) the requirements of this Act to repeat violent felons convicted before the enactment of this Act; or

(ii) the implementation of this Act in a particular jurisdiction; and

(B) prescribe rules for the registration of any repeat violent felon who is unable to comply with this paragraph.

(c) CONTENTS.—

(1) INFORMATION PROVIDED BY REPEAT VIOLENT FELON.—A registration by a repeat violent felon shall include—

(A) the name of the repeat violent felon (including any alias used by the individual);

(B) the Social Security number of the repeat violent felon;

(C) the address of each residence at which the repeat violent felon resides or will reside;

(D) the name and address of any place where the repeat violent felon is an employee or will be an employee;

(E) the name and address of any place where the repeat violent felon is a student or will be a student;

(F) the license plate number and a description of any vehicle owned or operated by the repeat violent felon;

(G) information relating to intended travel of the repeat violent felon outside the United States, including any anticipated dates and places of departure, arrival, or return, carrier and flight numbers for air travel, destination country and address or other contact information therein, means and purpose of travel, and any other itinerary or other travel-related information determined appropriate by the Attorney General; and

(H) any other information determined appropriate by the Attorney General.

(2) INFORMATION PROVIDED BY JURISDICTION.—Each jurisdiction in which a repeat violent felon registers shall include in the registry with respect to the repeat violent felon—

(A) a physical description of the repeat violent felon;

(B) the text of the provision of law defining each criminal offense for which the repeat violent felon is registered;

(C) the criminal history of the repeat violent felon, including—

(i) the date of all arrests and convictions;

(ii) the status of parole, probation, or supervised release;

(iii) registration status; and

(iv) the existence of any outstanding arrest warrants for the repeat violent felon;

(D) an up-to-date photograph of the repeat violent felon;

(E) a set of fingerprints and palm prints of the repeat violent felon;

(F) A DNA sample of the repeat violent felon;

(G) a photocopy of a valid driver's license or identification card issued to the repeat violent felon by a jurisdiction; and

(H) any other information determined appropriate by the Attorney General.

(d) PERIODIC IN PERSON VERIFICATION.—Not less frequently than once every 90 days after the date on which a repeat violent offender completes initial registration in accordance with this Act, the repeat violent repeat violent felon shall—

(1) appear in person in a facility of not less than 1 jurisdiction in which the violent repeat felon is registered;

(2) allow the jurisdiction to take an up-to-date photograph; and

(3) verify the information in each registry in which the repeat violent repeat violent felon is required to be registered.

(e) TIME AND MANNER OF UPDATES.—A repeat violent felon shall provide and update information required under subsection (c)(1), including information relating to intended travel outside the United States required under subsection (c)(1)(G), in conformity with any time and manner requirements prescribed by the Attorney General.

(f) PERIOD OF REGISTRATION.—A repeat violent repeat violent felon shall keep the registration required under this Act current for the life of the repeat violent felon (excluding any time the repeat violent felon is in custody or civilly committed).

(g) KEEPING REGISTRATION CURRENT.—

(1) IN GENERAL.—Not later than 3 business days after the date on which a repeat violent felon

has a change in name, student status, or place of residence or employment, the repeat violent felon shall appear in person in not fewer than 1 jurisdiction in which the repeat violent felon is registered to inform the jurisdiction of the change.

(2) JURISDICTION NOTIFICATION.—A jurisdiction receiving information of a change from a repeat violent felon under paragraph (1) shall immediately inform each other jurisdiction in which the repeat violent felon is registered of the change.

(h) EFFECTS OF FAILURE TO COMPLY.—

(1) IN GENERAL.—Each jurisdiction, other than a Federally recognized Indian Tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than 1 year for the failure of a repeat violent felon to comply with the requirements of this Act.

(2) NOTIFICATION.—If a repeat violent felon fails to comply with the requirements of this Act, an appropriate official of the relevant jurisdiction shall—

(A) notify the Attorney General appropriate law enforcement agencies; and

(B) revise the registry of the jurisdiction to reflect the failure.

(3) ACTION.—The appropriate official described in paragraph (2), the Attorney General, and each appropriate law enforcement agency shall take any appropriate action to ensure compliance of a repeat violent felon with the requirements of this Act.

SEC. 6. DUTY TO NOTIFY REPEAT FELONS.

(a) IN GENERAL.—Shortly before the release of a repeat violent felon from custody, or, if the repeat violent felon is not in custody, immediately after the sentencing of the repeat violent felon for the offense giving rise to the duty to register, an appropriate official shall—

(1) inform the repeat violent felon of the duties of a repeat violent felon under this Act and explain those duties;

(2) require the repeat violent felon to read and sign a form stating that the duty to register has been explained and that the repeat violent felon understands the registration requirement; and

(3) ensure that the repeat violent felon is registered.

(b) INABILITY TO COMPLY.—The Attorney General shall prescribe rules for the notification of repeat violent felons who cannot be registered in accordance with subsection (a).

SEC. 7. PUBLIC ACCESS TO REPEAT VIOLENT FELON INFORMATION.

(a) IN GENERAL.—

(1) INFORMATION.—Subject to subsection (b), each jurisdiction shall make available on the Internet, in a manner that is readily accessible to all jurisdictions and to the public, a public website that includes all information about each repeat violent felon in the registry of the jurisdiction.

(2) SINGLE QUERY.—The jurisdiction shall maintain the website required under paragraph (1) in a manner that will permit the public to obtain relevant information for each repeat violent felon by a single query for any given zip code or geographic radius set by the user.

(3) PARTICIPATION IN NATIONAL REPEAT VIOLENT PUBLIC WEBSITE.—Each jurisdiction shall—

(A) include in the design of the website required under paragraph (1) all field search capabilities needed for full participation in the national website; and

(B) participate in the national website as provided by the Attorney General.

(b) MANDATORY EXEMPTIONS.—A jurisdiction shall exempt from disclosure on the Internet website required under subsection (a)(1)—

(1) the identity of any victim of a sex offense;

(2) the Social Security number of a repeat violent felon;

(3) any reference to arrests of a repeat violent felon that did not result in conviction; and

(4) any other information exempted from disclosure by the Attorney General.

(c) LINKS.—Each Internet website required under subsection (a)(1) shall include, to the extent practicable, links to repeat violent felon safety and education resources.

(d) CORRECTION OF ERRORS.—Each Internet website required under subsection (a)(1) shall include instructions on how to seek correction of information that an individual contends is erroneous.

(e) WARNING.—Each Internet website required under subsection (a)(1) shall include a warning that—

(1) instructs that information on the website should not be used to unlawfully injure, harass, or commit a crime against any individual named in the registry or residing or working at any reported address; and

(2) notes that any action described in paragraph (1) could result in civil or criminal penalties.

SEC. 8. NATIONAL REPEAT VIOLENT FELON REGISTRY AND WEBSITE.

(a) REGISTRY.—

(1) IN GENERAL.—The Attorney General shall maintain a national database to be known as the ‘‘National Repeat Violent Felon Registry’’ within the Federal Bureau of Investigation for the registration of—

(A) each repeat violent felon; and

(B) any other individual required to register in the registry of a jurisdiction.

(2) ELECTRONIC FORWARDING.—The Attorney General shall ensure through the National Repeat Violent Felon Registry or otherwise that updated information about a repeat violent felon is immediately transmitted by electronic forwarding to each relevant jurisdiction.

(b) NATIONAL WEBSITE.—

(1) IN GENERAL.—The Attorney General shall establish and maintain a website to be known as the ‘‘National Repeat Violent Felon Public Website’’.

(2) CONTENTS.—The national website shall—

(A) include relevant information for—

(i) each repeat violent felon; and

(ii) any other individual included on the website of a jurisdiction established under section 7(a)(1);

(B) allow the public to obtain relevant information for each repeat violent felon by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General; and

(C) have such other field search capabilities as the Attorney General determines appropriate.

SEC. 9. REPEAT VIOLENT FELON COMMUNITY NOTIFICATION PROGRAM.

(a) ESTABLISHMENT.—There is established within the Department of Justice a program to be known as the ''Repeat Violent Felon Community Notification Program''.

(b) NOTIFICATION.—Except as provided in subsection (c), immediately upon a repeat violent felon registering or updating a registration, an appropriate official in the jurisdiction of the relevant registry shall provide the information in the registry (other than information exempted from disclosure under section 7(b) with respect to the repeat violent felon to the following:

(1) The Attorney General for inclusion in the National Repeat Violent Felon Registry and other appropriate databases.

(2) Appropriate law enforcement agencies (including appropriate probation agencies) and each school and public housing agency in each area in which the repeat violent felon resides, is an employee, or is a student;

(3) Each jurisdiction where the repeat violent felon resides, is an employee, or is a student, and each jurisdiction from or to which a change of residence, employment, or student status occurs.

(4) Any agency responsible for conducting employment-related background checks under section 3 of the National Child Protection Act of 1993 (34 U.S.C. 40102).

(5) Social service entities responsible for protecting minors in the child welfare system in any relevant jurisdiction.

(6) Volunteer organizations in which contact with minors or other vulnerable individuals might occur in any relevant jurisdiction.

(7) Any organization, company, or individual who requests such notification pursuant to procedures established by the jurisdiction.

(c) FREQUENCY.—An organization, company, or individual described in subsection (b)(6) or (b)(7) may opt to receive the notification described in that subsection not less frequently than once every 5 business days.

SEC. 10. REGISTRY MANAGEMENT AND WEBSITE SOFTWARE.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Attorney General, in consultation with jurisdictions, shall develop and support software to enable jurisdictions to establish and operate uniform registries and websites required under section 7(a)(1).

(b) CRITERIA.—The software developed and maintained under subsection (a) shall facilitate—

(1) the immediate exchange of information among jurisdictions;

(2) public access over the Internet to appropriate information, including the number of registered repeat violent felons in each jurisdiction on a current basis;

(3) full compliance with the requirements of this Act; and

(4) communication of information under the notification program.

SEC. 11. IMPLEMENTATION BY JURISDICTIONS.

(a) IN GENERAL.—Each jurisdiction shall implement the requirements of this Act not later than the later of—

(1) 3 years after the date of enactment; and

(2) 1 year after the date on which the software developed under section 10(a) is available for use by jurisdictions.

(b) EXTENSIONS.—The Attorney General may authorize for a jurisdiction not more than 2 1-year extensions of the deadline for implementation prescribed under subsection (a).

(c) FAILURE TO COMPLY.—

(1) IN GENERAL.—Subject to subsection (d), for any fiscal year beginning after the date on which a jurisdiction is required to begin to implement the requirements of this Act, if the jurisdiction fails, as determined by the Attorney General, to substantially implement this Act, the Attorney General shall reduce the amounts that would otherwise be allocated for that fiscal year to the jurisdiction under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10151 et seq.) by 10 percent.

(2) REALLOCATION; PURPOSE.—The Attorney General may reallocate amounts not allocated to a jurisdiction pursuant to paragraph (1) to that juris-

diction to be used solely for the purpose of implementing the requirements of this Act.

(d) STATE CONSTITUTIONALITY.—

(1) IN GENERAL.—In evaluating whether a jurisdiction has substantially implemented the requirements of this Act for the purpose of subsection (c)(1), the Attorney General shall consider whether the jurisdiction is unable to substantially implement those requirements because of a demonstrated inability to implement certain provisions that would place the jurisdiction in violation of the constitution of the jurisdiction, as determined by a ruling of the highest court of the jurisdiction

(2) EFFORTS.—

(A) IN GENERAL.—If a jurisdiction is unable to substantially implement the requirements of this Act due to the circumstances described in paragraph (1)—

(i) the Attorney General and the jurisdiction shall make good faith efforts to accomplish substantial implementation of this Act and to reconcile any conflicts between this Act and the constitution of the jurisdiction; and

(ii) the Attorney General may determine that the jurisdiction is in compliance with this Act if the jurisdiction has made, or is in the process of implementing, 2 reasonable alternative procedures or accommodations consistent with the purposes of this Act.

(B) CONSULTATION.—In considering whether compliance with the requirements of this Act would likely violate the constitution of a jurisdiction or an interpretation thereof by the highest court of the jurisdiction, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction's interpretation of the jurisdiction's constitution and rulings thereon by the jurisdiction's highest court.

(e) RULE OF CONSTRUCTION.—The provisions of this Act directing States or officials of States shall be construed to constitute conditions required to avoid the reduction of Federal funding described in subsection (c)(1).

SEC. 12. REPEAT VIOLENT FELON MANAGEMENT ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Attorney General shall establish and implement a program to be known as the ''Repeat Violent Felon Management Assistance Program''.

(b) GRANTS AUTHORIZED.—

(1) IN GENERAL.—Under the program established under subsection (a), the Attorney General may award grants to jurisdictions to offset the costs of implementing the requirements of this Act.

(2) APPLICATION.—The chief executive of a jurisdiction seeking a grant under this section shall, for each fiscal year during which a grant under this section is sought, submit to the Attorney General an application in such form and containing such information as the Attorney General may require.

(c) BONUS PAYMENTS FOR PROMPT COMPLIANCE.—

(1) ELIGIBLE ENTITY DEFINED.—In this subsection, the term ''eligible entity'' means a jurisdiction that, as determined by the Attorney General, substantially complies with the requirements of this Act by a date that is not later than 2 years after the date of enactment of this Act.

(2) BONUS PAYMENTS.—The Attorney General may award an eligible entity with a grant as a bonus for prompt compliance with the requirements of this

Act for the first fiscal year beginning after the date on which the Attorney General determines the eligible entity is in substantial compliance with those requirements.

(3) AMOUNT.—The amount of a payment under this subsection to an eligible entity shall be, of the total amount received by the eligible entity under a grant under subsection (b) for the preceding fiscal year—

(A) 10 percent if the Attorney General makes the determination described in paragraph (2) during the period beginning on the date of enactment of this Act and ending on the date that is 540 days after such date; and

(B) 5 percent if the Attorney General makes the determination described in paragraph (2) during the period beginning 540 days after the date of enactment of this Act and ending on the date that is 2 years after such date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary for each of fiscal years 2027 and 2028 to carry out this section.

SEC. 13. ELECTION AS JURISDICTION BY INDIAN TRIBES.

(a) IN GENERAL.—An Indian Tribe may, by resolution or other enactment of the relevant Tribal council or comparable governmental body—

(1) elect to qualify as a jurisdiction for the purposes of this Act; or

(2) elect to—

(A) delegate the requirements of this Act to not less than 1 jurisdiction within which the territory of the Indian Tribe is located; or

(B) provide access to its territory and such other cooperation and assistance as may be needed to enable such other jurisdiction or jurisdictions to carry out and enforce the requirements of this part.

(b) IMPUTED ELECTION IN CERTAIN CASES.—An Indian Tribe shall be deemed to have made te election described in subsection (a)(2)(B) if—

(1) the Indian Tribe is subject to the law enforcement jurisdiction of a State under section 1162 of title 18, United States Code;

(2) the Indian Tribe—

(A) does not make an election under subsection (a)(1) by the date that is 1 year after the date of enactment of this Act; or

(B) rescinds an election of the Indian Tribe under subsection (a)(1); or

(C) the Attorney General determines that the Indian Tribe—

(i) has not substantially implemented the requirements of this Act; an

(ii) is not likely to become capable of substantially implementing the requirements of this Act within a reasonable amount of time.

(c) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(1) NONDUPLICATION.—An Indian Tribe that elects to be a jurisdiction for the purposes of this Act shall not be required to duplicate functions under this Act which are fully carried out by another jurisdiction or jurisdictions within which the territory of the Indian Tribe is located.

(2) COOPERATIVE AGREEMENTS.—An Indian Tribe may, through cooperative agreements with a jurisdiction or jurisdictions described in paragraph (1)—

(A) arrange for the Indian Tribe to carry out any function of such a jurisdiction under this Act with respect to repeat violent felons subject to the Indian Tribe's jurisdiction; and

(B) arrange for such a jurisdiction to carry out any function of the Indian Tribe under this Act with respect to repeat violent felons subject to the Indian Tribe's jurisdiction.

SEC. 14. REGISTRATION OF REPEAT VIOLENT FELONS ENTERING THE UNITED STATES.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of State and the Secretary of Homeland Security, shall establish and maintain a system for informing the relevant jurisdictions about individuals entering the United States who are required to register under this Act.

(b) INFORMATION PROVISION.—The Secretary of State and the Secretary of Homeland Security shall provide information relevant to subsection (a) and carry out such functions as the Attorney General may direct in the operation of the system established under subsection (a).

SEC. 15. REGISTRATION OF REPEAT VIOLENT FELONS RELEASED FROM MILITARY CORRECTIONS FACILITIES OR UPON CONVICTION.

The Secretary of Defense shall provide to the Attorney General the information described in section 5(c)(2) to be included in the National Repeat Violent Felon Registry and the national website relating to repeat violent felons who are—

(1) released from military corrections facilities following a sentence imposed for the commission of a qualifying offense; or

(2) convicted of a qualifying offense if the sentences adjudged by courts-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) do not include confinement.

SEC. 16. IMMUNITY FOR GOOD FAITH CONDUCT.

The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this Act.