

1998—Pub. L. 105-314 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Any person who violates a provision of this chapter, after one or more prior convictions for an offense punishable under this chapter, or after one or more prior convictions under the laws of any State relating to aggravated sexual abuse, sexual abuse, or abusive sexual contact have become final, is punishable by a term of imprisonment up to twice that otherwise authorized.”

§ 2248. Mandatory restitution

(a) IN GENERAL.—Notwithstanding section 3663 or 3663A, and in addition to any other civil or criminal penalty authorized by law, the court shall order restitution for any offense under this chapter.

(b) SCOPE AND NATURE OF ORDER.—

(1) DIRECTIONS.—The order of restitution under this section shall direct the defendant to pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court pursuant to paragraph (2).

(2) ENFORCEMENT.—An order of restitution under this section shall be issued and enforced in accordance with section 3664 in the same manner as an order under section 3663A.

(3) DEFINITION.—For purposes of this subsection, the term “full amount of the victim’s losses” includes any costs incurred by the victim for—

- (A) medical services relating to physical, psychiatric, or psychological care;
- (B) physical and occupational therapy or rehabilitation;
- (C) necessary transportation, temporary housing, and child care expenses;
- (D) lost income;
- (E) attorneys’ fees, plus any costs incurred in obtaining a civil protection order; and
- (F) any other losses suffered by the victim as a proximate result of the offense.

(4) ORDER MANDATORY.—(A) The issuance of a restitution order under this section is mandatory.

(B) A court may not decline to issue an order under this section because of—

- (i) the economic circumstances of the defendant; or
- (ii) the fact that a victim has, or is entitled to, receive compensation for his or her injuries from the proceeds of insurance or any other source.

(c) DEFINITION.—For purposes of this section, the term “victim” means the individual harmed as a result of a commission of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or representative of the victim’s estate, another family member, or any other person appointed as suitable by the court, but in no event shall the defendant be named as such representative or guardian.

(Added Pub. L. 103-322, title IV, §40113(a)(1), Sept. 13, 1994, 108 Stat. 1904; amended Pub. L. 104-132, title II, §205(b), Apr. 24, 1996, 110 Stat. 1231.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-132, §205(b)(1), inserted “or 3663A” after “3663”.

Subsec. (b)(1). Pub. L. 104-132, §205(b)(2)(A), reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “The order of restitution under this section shall direct that—

“(A) the defendant pay to the victim (through the appropriate court mechanism) the full amount of the victim’s losses as determined by the court, pursuant to paragraph (3); and

“(B) the United States Attorney enforce the restitution order by all available and reasonable means.”

Subsec. (b)(2). Pub. L. 104-132, §205(b)(2)(B), struck out “by victim” after “Enforcement” in heading and amended text generally. Prior to amendment, text read as follows: “An order of restitution also may be enforced by a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.”

Subsec. (b)(4)(C), (D). Pub. L. 104-132, §205(b)(2)(C), struck out subpars. (C) and (D), which related to court’s consideration of economic circumstances of defendant in determining schedule of payment of restitution orders, and court’s entry of nominal restitution awards where economic circumstances of defendant do not allow for payment of restitution, respectively.

Subsec. (b)(5) to (10). Pub. L. 104-132, §205(b)(2)(D), struck out pars. (5) to (10), which related, respectively, to more than 1 offender, more than 1 victim, payment schedule, setoff, effect on other sources of compensation, and condition of probation or supervised release.

Subsec. (c). Pub. L. 104-132, §205(b)(3), (4), redesignated subsec. (f) as (c) and struck out former subsec. (c) relating to proof of claim.

Subsecs. (d), (e). Pub. L. 104-132, §205(b)(3), struck out subsecs. (d) and (e) which read as follows:

“(d) MODIFICATION OF ORDER.—A victim or the offender may petition the court at any time to modify a restitution order as appropriate in view of a change in the economic circumstances of the offender.

“(e) REFERENCE TO MAGISTRATE OR SPECIAL MASTER.—The court may refer any issue arising in connection with a proposed order of restitution to a magistrate or special master for proposed findings of fact and recommendations as to disposition, subject to a de novo determination of the issue by the court.”

Subsec. (f). Pub. L. 104-132, §205(b)(4), redesignated subsec. (f) as (c).

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104-132, title II, §211, Apr. 24, 1996, 110 Stat. 1241, provided that: “The amendments made by this subtitle [subtitle A (§§201-211) of title II of Pub. L. 104-132, see Short Title of 1996 Amendment note set out under section 3551 of this title] shall, to the extent constitutionally permissible, be effective for sentencing proceedings in cases in which the defendant is convicted on or after the date of enactment of this Act [Apr. 24, 1996].”

CHAPTER 109B—SEX OFFENDER AND CRIMES AGAINST CHILDREN REGISTRY

Sec.
2250. Failure to register.

§ 2250. Failure to register

(a) IN GENERAL.—Whoever—

(1) is required to register under the Sex Offender Registration and Notification Act;

(2)(A) is a sex offender as defined for the purposes of the Sex Offender Registration and Notification Act by reason of a conviction under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States; or

(B) travels in interstate or foreign commerce, or enters or leaves, or resides in, Indian country; and

(3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act;

shall be fined under this title or imprisoned not more than 10 years, or both.

(b) INTERNATIONAL TRAVEL REPORTING VIOLATIONS.—Whoever—

(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.);¹

(2) knowingly fails to provide information required by the Sex Offender Registration and Notification Act relating to intended travel in foreign commerce; and

(3) engages or attempts to engage in the intended travel in foreign commerce;

shall be fined under this title, imprisoned not more than 10 years, or both.

(c) AFFIRMATIVE DEFENSE.—In a prosecution for a violation under subsection (a) or (b), it is an affirmative defense that—

(1) uncontrollable circumstances prevented the individual from complying;

(2) the individual did not contribute to the creation of such circumstances in reckless disregard of the requirement to comply; and

(3) the individual complied as soon as such circumstances ceased to exist.

(d) CRIME OF VIOLENCE.—

(1) IN GENERAL.—An individual described in subsection (a) or (b) who commits a crime of violence under Federal law (including the Uniform Code of Military Justice), the law of the District of Columbia, Indian tribal law, or the law of any territory or possession of the United States shall be imprisoned for not less than 5 years and not more than 30 years.

(2) ADDITIONAL PUNISHMENT.—The punishment provided in paragraph (1) shall be in addition and consecutive to the punishment provided for the violation described in subsection (a) or (b).

(Added Pub. L. 109-248, title I, §141(a)(1), July 27, 2006, 120 Stat. 602; amended Pub. L. 114-119, §6(b), Feb. 8, 2016, 130 Stat. 23.)

REFERENCES IN TEXT

The Sex Offender Registration and Notification Act, referred to in subsecs. (a)(1), (2)(A), (3) and (b)(1), (2), is title I of Pub. L. 109-248, July 27, 2006, 120 Stat. 590, which was classified principally to subchapter I (§16901 et seq.) of chapter 151 of Title 42, The Public Health and Welfare, prior to editorial reclassification as chapter 209 (§20901 et seq.) of Title 34, Crime Control and Law Enforcement. For complete classification of this Act to the Code, see Short Title of 2006 Act note set out under section 10101 of Title 34 and Tables.

The Uniform Code of Military Justice, referred to in subsecs. (a)(2)(A) and (d)(1), is classified generally to chapter 47 (§801 et seq.) of Title 10, Armed Forces.

AMENDMENTS

2016—Subsecs. (b) to (d). Pub. L. 114-119 added subsec. (b), redesignated former subsecs. (b) and (c) as (c) and (d), respectively, and in subsecs. (c) and (d), substituted “subsection (a) or (b)” for “subsection (a)” wherever appearing.

¹ See References in Text note below.

CHAPTER 110—SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN

Sec.	
2251.	Sexual exploitation of children.
2251A.	Selling or buying of children.
2252.	Certain activities relating to material involving the sexual exploitation of minors.
2252A.	Certain activities relating to material constituting or containing child pornography.
2252B.	Misleading domain names on the Internet.
2252C.	Misleading words or digital images on the Internet.
2253.	Criminal forfeiture.
2254.	Civil forfeiture.
2255.	Civil remedy for personal injuries.
2256.	Definitions for chapter.
2257.	Record keeping requirements.
2257A.	Recordkeeping requirements for simulated sexual conduct. ¹
2258.	Failure to report child abuse.
2258A.	Reporting requirements of providers.
2258B.	Limited liability for providers or domain name registrars.
2258C.	Use to combat child pornography of technical elements relating to reports made to the CyberTipline.
2258D.	Limited liability for NCMEC.
2258E.	Definitions.
2259.	Mandatory restitution.
2259A.	Assessments in child pornography cases ²
2259B.	Child pornography victims reserve ²
2260.	Production of sexually explicit depictions of a minor for importation into the United States.
2260A.	Increased penalties for registered sex offenders. ¹

AMENDMENTS

2018—Pub. L. 115-395, §7, Dec. 21, 2018, 132 Stat. 5294, substituted “Reporting requirements of providers” for “Reporting requirements of electronic communication service providers and remote computing service providers” in item 2258A, “Limited liability for providers or domain name registrars” for “Limited liability for electronic communication service providers and remote computing service providers” in item 2258B, “Use to combat child pornography of technical elements relating to reports made to the CyberTipline” for “Use to combat child pornography of technical elements relating to images reported to the CyberTipline” in item 2258C, and “Limited liability for NCMEC” for “Limited liability for the National Center for Missing and Exploited Children” in item 2258D.

Pub. L. 115-299, §5(d), Dec. 7, 2018, 132 Stat. 4388, added items 2259A and 2259B.

2008—Pub. L. 110-401, title V, §501(b)(3), Oct. 13, 2008, 122 Stat. 4251, added items 2258A to 2258E.

2006—Pub. L. 109-248, title V, §503(b), title VII, §§702(b), 703(b), July 27, 2006, 120 Stat. 629, 648, 649, added items 2252C, 2257A, and 2260A.

2003—Pub. L. 108-21, title V, §521(b), Apr. 30, 2003, 117 Stat. 686, added item 2252B.

1996—Pub. L. 104-294, title VI, §601(i)(2), Oct. 11, 1996, 110 Stat. 3501, redesignated item 2258, relating to production of sexually explicit depictions of a minor, as 2260.

Pub. L. 104-208, div. A, title I, §101(a) [title I, §121[3(b)]], Sept. 30, 1996, 110 Stat. 3009, 3009-26, 3009-30, added item 2252A.

1994—Pub. L. 103-322, title IV, §40113(b)(2), title XVI, §160001(b)(1), Sept. 13, 1994, 108 Stat. 1910, 2037, added items 2258, relating to production of sexually explicit depictions of a minor, and 2259.

1990—Pub. L. 101-647, title II, §226(g)(2), Nov. 29, 1990, 104 Stat. 4808, inserted “AND OTHER ABUSE” after

¹ So in original. Does not conform to section catchline.

² So in original. Probably should be followed by a period.