

STOP CSAM Act of 2023

Senate Judiciary Chair Dick Durbin (D-IL)

The *STOP CSAM Act* is a comprehensive response to online child sexual exploitation, which continues to increase at an alarming rate. From March 2009 to February 2022, the number of victims identified in child sexual abuse material (CSAM) rose *almost ten-fold*, from 2,172 victims to over 21,413 victims. From 2012 to 2022, the volume of reports to the National Center for Missing & Exploited Children's CyberTipline concerning child sexual exploitation increased by *a factor of 77* (415,650 reports to over 32 million reports). To combat this horrific crime, the legislation takes a three-pronged approach that supports victims, promotes accountability and transparency by the tech industry, and ensures that offenders will receive sentences that reflect the severity of their crimes.

Child Victim Protection Measures

Mandatory child abuse reporting. The bill closes a reporting gap and creates a national safety net by ensuring that child-serving organizations that have 501(c)(3) tax-exempt status or that receive federal grants of more than \$10,000 within a year report suspected child abuse to law enforcement.

Expanded protections for child victims and witnesses in federal court. The bill makes various reforms, including enhancing special privacy protections available for certain child victims and witnesses in federal criminal prosecutions.

Facilitating restitution for victims of child exploitation, human trafficking, sexual assault, and crimes of violence. The bill creates a statutory framework to permit courts to appoint a trustee to manage restitution payments for certain vulnerable victims of these offenses. The legislation authorizes funds to pay for the trustees, as well as court-appointed guardians ad litem.

Report and Remove. The bill empowers victims by making it easier for them to ask tech companies to remove child sexual abuse material and related imagery from their platforms and by creating an administrative penalty for the failure to comply with a removal request.

Accountability and Transparency for the Tech Industry

CyberTipline Revisions. The bill strengthens current tech platform reporting requirements, including by removing tech companies' discretion as to whether to report a planned or imminent child exploitation offense, and requiring that certain basic information be included in a CyberTip.

Provider Transparency. The bill would require large tech companies that are subject to the CyberTipline statute to submit annual reports describing their efforts to promote a culture of safety for children on their platform.

Accountability Measures. The legislation further amends the CyberTipline statute to provide a variety of tools to promote compliance with the statute's mandates. It also creates a new criminal provision prohibiting the use of tech platforms to promote or facilitate online child sexual exploitation.

Offender Accountability

Appropriate sentences for the worst offenders. The bill directs the U.S. Sentencing Commission to make long-overdue updates to its guidelines for offenses involving child sexual abuse material and ensure the guidelines appropriately reflect the most serious aggravating factors and capture the way offenders use modern technology to commit their crimes.