

END SILENCE, INC.

STATE LEGISLATIVE PACKET

THE END SILENCE: NO SECOND VICTIM ACT

**FIRST CONVICTION.
DEATH PENALTY.
NO SECOND VICTIM.**

A model zero-tolerance framework demanding the strongest punishment for heinous sexual crimes against children, an immediate Life Without Parole safeguard, and a direct constitutional challenge to Kennedy v. Louisiana.

Prepared and advocated by END SILENCE, INC.

Version 3.0 | August 16, 2026

WORKING DRAFT — NOT YET INTRODUCED

1. Legislative Summary

The demand, the reason, and the action required

FOUNDATIONAL PRINCIPLE: First conviction. Death penalty. No second victim.

The END SILENCE: No Second Victim Act is a proposed zero-tolerance framework for the most heinous sexual crimes against children. It demands that lawmakers stop building policy around what a convicted predator stands to lose and begin with the permanent destruction inflicted upon the child.

The proposal demands

- Capital punishment for legally eligible adult offenders upon a first conviction for narrowly and precisely defined heinous sexual crimes against children.
- Life Without the Possibility of Parole as the immediate, mandatory fallback whenever a capital provision is delayed, enjoined, or struck down during constitutional litigation.
- A direct statutory and constitutional challenge to *Kennedy v. Louisiana*, 554 U.S. 407 (2008).
- A formal legislative and constitutional report, together with drafted state-specific legislation, within ninety days of adoption of the model resolution.
- Permanent removal of convicted predators from society before there can be a second victim.
- Trauma-informed protection for child victims and accountability for institutions that knowingly conceal abuse.

Requested action from the legislator

Direct legislative counsel to review this packet, adapt the model language to the laws and constitution of [STATE], meet with END SILENCE, INC., and sponsor or co-sponsor the resolution and resulting legislation.

2. Model Zero-Tolerance Legislative Resolution

Prepared for state-specific adaptation and formal introduction

COUNSEL NOTICE: This advocacy draft is not enacted law. Legislative counsel must adapt definitions, citations, penalties, procedures, and constitutional language for the receiving jurisdiction.

[HOUSE/SENATE] RESOLUTION NO. [] [YEAR] LEGISLATIVE SESSION

INTRODUCED AT THE REQUEST OF: END SILENCE, INC.

SPONSORED BY: [Name of Representative/Senator]

CO-SPONSORED BY: [Names of Co-Sponsors, if any]

A RESOLUTION

ENTITLED: A RESOLUTION establishing a zero-tolerance framework, mandating absolute legislative accountability, and actively challenging constitutional barriers to secure ultimate justice for crimes against children.

WHEREAS, the catastrophic harm caused by the sexual abuse and extreme intentional abuse of children demands an uncompromising, absolute, and unyielding legislative response from this body; and

WHEREAS, a child cannot legally, developmentally, or meaningfully give informed consent to sexual activity with an adult, rendering any such act an absolute violation of the innocent; and

WHEREAS, the trauma of child sexual abuse extends far beyond the immediate assault, with major systematic reviews and federal child-welfare guidance linking childhood trauma to long-term post-traumatic stress, severe depression, substance misuse, disrupted development, and injuries whose consequences may remain permanent and irreparable; and

WHEREAS, objective federal sentencing data underscores the systemic nature of this crisis, with the U.S. Sentencing Commission reporting that 93.6 percent of persons sentenced for federal sexual-abuse offenses in Fiscal Year 2021 were male, cementing the urgent need for lawmakers, mothers, survivors, and citizens to demand systemic, targeted accountability; and

WHEREAS, in the state of [STATE], [INSERT VERIFIED STATE STATISTIC, DEFINITION, SOURCE, YEAR, AND DATE ACCESSED], proving this is not a distant theory, but a localized, ongoing crisis that demands immediate intervention rather than passive observation; and

WHEREAS, the current American justice system operates reactively, frequently demanding absolute justice only after a predator has claimed a subsequent victim, thereby failing in its most sacred duty to protect the innocent from known threats; and

WHEREAS, current U.S. Supreme Court jurisprudence—specifically *Kennedy v. Louisiana*, 554 U.S. 407 (2008), which prohibits capital punishment for rape of a child when the crime neither resulted in nor was intended to result in the child's death, and *Roper v. Simmons*, 543 U.S. 551 (2005), which prohibits capital punishment for crimes committed by persons under eighteen years of age—creates constitutional boundaries that currently prevent the immediate implementation of capital punishment for certain legally eligible adult perpetrators of the most heinous sexual crimes against children; now, therefore, be it

RESOLVED BY THE [STATE LEGISLATURE], That:

SECTION 1. We formally and unequivocally reject the premise that a justice system should measure punishment solely by what an offender stands to lose, while ignoring the permanent destruction inflicted upon a child.

SECTION 2. We establish our foundational moral and legislative starting principle for heinous sexual crimes against children as:

FIRST CONVICTION. DEATH PENALTY. NO SECOND VICTIM.

SECTION 3. We direct the appropriate legislative committees, legal counsels, and constitutional scholars to immediately examine existing statutes, evidentiary standards, and Supreme Court doctrines. This body mandates the identification of precise statutory, litigation, and constitutional pathways necessary to directly challenge and secure the reversal or modification of current impediments—including the rule announced in *Kennedy v. Louisiana*—and thereby permit society's ultimate punishment for legally eligible adult perpetrators of the most egregious sexual crimes against children. A formal report and drafted legislation shall be presented to this body no later than ninety (90) days from adoption of this resolution.

SECTION 4. We establish that, in the event implementation of capital punishment for these offenses is temporarily enjoined, delayed, or struck down during the necessary constitutional challenge, the immediate, mandatory default sentence established by the resulting legislation shall be Life Without the Possibility of Parole for every legally eligible adult offender convicted under the qualifying provisions. This ensures the predator remains permanently removed from society while the legal battle is waged.

SECTION 5. We call upon lawmakers, governors, attorneys general, and prosecutors across the nation to cease waiting for victim number two, confront these legal barriers head-on, and answer the guiding question that must never disappear beneath legal technicality:

What does justice truly require for the child?

BE IT FURTHER RESOLVED, That the Clerk of the [House/Senate] is directed to prepare and transmit a copy of this resolution to the Governor, Attorney General, presiding officers, appropriate judiciary and criminal-justice committees, and the members of the state's congressional delegation as a formal mandate for action.

BE IT FURTHER RESOLVED, That this resolution shall take effect immediately upon passage, the public welfare requiring it.

ADOPTED: _____, 20____

PRESIDING OFFICER OF THE [HOUSE/SENATE]

CLERK OF THE [HOUSE/SENATE]

CHIEF LEGISLATIVE SPONSOR

MODEL RESOLUTION PREPARED AND ADVOCATED BY END SILENCE, INC.

3. Proposed Act Overview

The protections, penalties, fallback sentence, and accountability framework

DRAFTING STATUS: Policy architecture for state legislative counsel. The final bill must define qualifying offenses and all sentencing procedures under the receiving state's law.

Capital punishment upon first conviction

The proposed Act authorizes capital punishment for legally eligible adult offenders upon a first conviction for specifically enumerated heinous sexual crimes against children. Qualifying conduct, aggravating circumstances, eligibility, notice, jury findings, and proof requirements must be stated with precision.

Mandatory LWOP fallback

If a capital provision cannot be enforced because of *Kennedy v. Louisiana* or another controlling ruling, the operative legislation imposes Life Without the Possibility of Parole upon every legally eligible adult offender convicted under the qualifying provisions.

Constitutional challenge

The Act creates a deliberate, reviewable pathway for the state to defend its judgment that society's ultimate punishment is warranted, preserve the constitutional issue, and seek reconsideration or reversal of *Kennedy*.

Aggravating circumstances

The state-specific bill should address torture, kidnapping, trafficking, severe or permanent injury, multiple victims, serial conduct, production or distribution of abuse material, and abuse of a position of trust or authority.

Child-victim protection

Proceedings should protect the child's identity and records, reduce avoidable retraumatization, prioritize scheduling where lawful, and permit qualified trauma testimony under the jurisdiction's rules of evidence.

Institutional accountability

The Act should impose consequences for knowing concealment, unlawful failure to report, offender transfers intended to hide abuse, obstruction, intimidation, and agreements designed to prevent lawful reporting.

Severability

Every noncapital protection and the LWOP fallback must remain effective if a court enjoins or invalidates the capital provision.

4. Constitutional Challenge Brief

Kennedy v. Louisiana and the pathway being demanded

The controlling barrier

In *Kennedy v. Louisiana*, 554 U.S. 407 (2008), the Supreme Court held that the Eighth Amendment prohibits the death penalty for rape of a child when the crime did not result, and was not intended to result, in the child's death. Unless the Court reverses or narrows *Kennedy*, that decision remains the principal federal constitutional barrier to execution under a conflicting state statute.

The END SILENCE position

The permanent destruction inflicted through the most heinous sexual crimes against children demands society's ultimate punishment. Constitutional precedent must not become an excuse for legislative surrender. States must continue building a record, enacting direct challenges, defending those enactments, and forcing the constitutional question back before the courts.

Required pathway

- Enact precisely defined capital provisions limited to legally eligible adult offenders and qualifying crimes.
- Require every aggravating circumstance necessary for death eligibility to be charged and proved beyond a reasonable doubt.
- Preserve the LWOP fallback and sever all immediately enforceable child-protection provisions from the capital challenge.
- Authorize the Attorney General to defend the enacted law and preserve the constitutional question through proper appellate procedure.
- Build a current legislative record documenting state enactments, the gravity and lasting consequences of the crimes, and the public judgment demanding ultimate punishment.
- Seek review, narrowing, or reversal of *Kennedy* through an actual case and controversy when procedurally available.

IMPORTANT: Passing a state law does not itself reverse Supreme Court precedent. It creates the legal conflict and record through which reversal may be sought. The campaign demands that lawmakers begin and sustain that fight.

5. Evidence and Supporting Facts

Verified national facts; insert a verified state-specific statistic before introduction

Scale and disclosure

The CDC reports that at least one in four girls and one in twenty boys in the United States experience child sexual abuse. It also reports that many children wait to disclose or never disclose abuse and that approximately 90 percent of child sexual abuse is committed by someone known and trusted by the child or the child's family.

Consequences

Child sexual abuse is associated with serious short- and long-term physical, mental, behavioral, and developmental consequences, including depression, post-traumatic stress symptoms, substance misuse, chronic disease, revictimization, and increased risk of suicide or suicide attempts. These injuries can alter the course of a survivor's life long after the assault ends.

Federal sentencing data

The U.S. Sentencing Commission reported that 93.6 percent of offenders sentenced in its federal sexual-abuse offense category in Fiscal Year 2021 were men. This figure describes the Commission's federal sentencing category; it is not a count of every perpetrator, incident, state conviction, or unreported offense.

Recidivism and underreporting

The U.S. Department of Justice SMART Office explains that observed sexual-recidivism rates vary by offender category, follow-up period, and measurement method and are depressed by underreporting. The policy demand does not depend upon pretending every offender has the same measured risk. It rests on refusing to make a second child bear the cost of releasing a person convicted of a qualifying heinous sexual crime against a child.

Required state finding

[INSERT VERIFIED STATE STATISTIC HERE: identify the reporting agency, calendar or fiscal year, population, definition of 'victim' or 'case,' publication date, and date accessed. Do not mix reports, investigations, substantiated cases, convictions, and federal sentencing counts.]

6. Existing State Precedents

Post-Kennedy enactments and legislative activity

The following measures demonstrate that states are actively confronting Kennedy and building a renewed legislative record. Each measure has its own offense definitions and procedures and remains subject to controlling federal precedent.

State	Year	Measure
Florida	2023	Fla. Stat. § 921.1425
Tennessee	2024	SB 1834 / Public Chapter 951
Idaho	2025	HB 380
Oklahoma	2025	SB 599
Arkansas	2025	Act 662
Alabama	2026	Child Predator Death Penalty Act — verify enacted act number before publication
Mississippi	2026	SB 2821 — verify final enacted status before publication

Publication control: verify every statute, act number, effective date, and current status against the official state source immediately before public release or delivery to a lawmaker.

7. Lawmaker Action Checklist

The specific actions END SILENCE is requesting

- ☐ Review the complete State Legislative Packet.
- ☐ Schedule a substantive meeting with END SILENCE, INC.
- ☐ Submit the model resolution and policy architecture to state legislative counsel.
- ☐ Identify the exact state offenses and aggravating circumstances that will qualify.
- ☐ Draft capital-punishment language for legally eligible adult offenders.
- ☐ Draft the mandatory Life Without the Possibility of Parole fallback and severability provisions.
- ☐ Request a written constitutional analysis of Kennedy v. Louisiana and the state's litigation pathway.
- ☐ Sponsor or co-sponsor the resolution and resulting legislation.
- ☐ Demand prompt judiciary or criminal-justice committee consideration and a public hearing.
- ☐ Invite survivor-informed testimony and qualified constitutional, prosecutorial, and victims' rights expertise.
- ☐ Commit publicly to the principle: FIRST CONVICTION. DEATH PENALTY. NO SECOND VICTIM.
- ☐ Provide END SILENCE, INC. with a written response identifying the action your office will take.

Legislator/Office: _____

Staff Contact: _____

Next Action and Date: _____

8. END SILENCE, INC.

Prepared to support legislative review and action

END SILENCE, INC. is a Tennessee 501(c)(3) nonprofit organization committed to ending silence surrounding crimes against children, demanding accountability, supporting survivors, and advancing public action that places the safety of children first.

END SILENCE is prepared to provide the research record, connect legislative offices with survivor-informed advocates, participate in substantive legislative meetings, and support public education surrounding the proposal.

Official contact

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Petition: change.org/endsilence

CAMPAIGN: NO SECOND VICTIM — First offense. Only offense.

9. Sources and Authorities

Primary and official sources supporting the packet

- **Centers for Disease Control and Prevention — About Child Sexual Abuse:**
<https://www.cdc.gov/child-abuse-neglect/about/about-child-sexual-abuse.html>
- **Centers for Disease Control and Prevention — About Child Abuse and Neglect:**
<https://www.cdc.gov/child-abuse-neglect/about/index.html>
- **U.S. Department of Justice SMART Office — Adult Sex Offender Recidivism:**
<https://smart.ojp.gov/somapi/chapter-5-adult-sex-offender-recidivism>
- **U.S. Sentencing Commission — FY2021 Quick Facts on Sexual Abuse Offenses:**
https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Sexual_Abuse_FY21.pdf
- **U.S. Supreme Court — Kennedy v. Louisiana, 554 U.S. 407 (2008):**
<https://www.supremecourt.gov/opinions/boundvolumes/554bv.pdf>
- **U.S. Supreme Court — Roper v. Simmons, 543 U.S. 551 (2005):**
<https://www.supremecourt.gov/opinions/boundvolumes/543bv.pdf>
- **Florida Statute § 921.1425:**
https://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0921/Sections/0921.1425.html
- **Tennessee SB 1834 / Public Chapter 951:**
<https://wapp.capitol.tn.gov/apps/BillInfo/Default?BillNumber=SB1834&ga=113>
- **Oklahoma SB 599:**
<https://oksenate.gov/press-releases/senator-hamilton-commends-governor-stitt-signing-senate-bill-599-law>
- **Arkansas Act 662:**
<https://arkleg.state.ar.us/Acts/FTPDocument?ddBienniumSession=2025/2025R&file=662.pdf&path=/ACTS/2025R/Public/>

LEGAL REVIEW REQUIRED: This packet is an advocacy and policy document, not legal advice or an introduced bill. State legislative counsel and qualified constitutional and criminal-law attorneys must complete jurisdiction-specific review before introduction.