THE SENATE TWENTY-SEVENTH LEGISLATURE, 2013 STATE OF HAWAII S.B. NO. 702

JAN 182013

A BILL FOR AN ACT

RELATING TO CHILD ABUSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that due to a lack of 2 dedicated resources, only about two per cent of known child exploitation offenders are being investigated. Alicia's Law is 3 an initiative that builds state capacity to combat crimes 4 5 against children by seeking funding for internet crimes against 6 children task forces. Alicia's Law was named for Alicia Kozakiewicz, who was abducted by an internet predator and 7 8 sexually abused. The purpose of this Act is to create a special fund for 9 fighting child pornographers and helping child victims. 10 11 SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read 12 13 as follows: 14 "CHAPTER 15 INTERNET CRIMES AGAINST CHILDREN 16 S -1 Short title. This chapter shall be known as and may be cited as "Alicia's Law". 17



\$ -2 Definitions. As used in this chapter, unless the
 context otherwise requires:

3 "Child" means a person who is under eighteen years of age.
4 "Child pornography" has the same meaning as in section
5 707-750.

6 "Internet crimes against children" means promoting child
7 abuse in the first degree under section 707-750 or promoting
8 child abuse in the second degree under section 707-751.

9 "Victim" means a person who is harmed, injured, or killed
10 by any act or omission of any other person coming within the
11 criminal jurisdiction of the State.

12 § -3 Internet crimes against children fee. The court 13 shall impose a fee of \$10 for court costs upon every defendant 14 for each felony or misdemeanor conviction. All fees collected 15 pursuant to this section shall be deposited into the internet 16 crimes against children special fund.

17 § -4 Internet crimes against children special fund;
18 established. (a) There is established in the state treasury
19 the internet crimes against children special fund, into which
20 shall be deposited:

(1) All fees collected pursuant to section -3;
(2) Moneys appropriated by the legislature to the fund;





Other grants and gifts made to the fund; and 1 (3) 2 (4) The income and capital gains earned by the fund. 3 (b) Moneys in the internet crimes against children special fund shall be expended by the department of public safety for 4 5 the following purposes: (1)To provide training and equipment for local law 6 enforcement agencies' use in investigating and 7 prosecuting internet crimes against children, 8 including funding to increase the forensic capacity of 9 10 digital evidence; and (2) To enable internet crimes investigators to follow the 11 trail of child pornography traffic to locate children 12 in need of protection. 13 14 The department shall disburse moneys to groups working directly to combat internet crimes against children, including 15 but not limited to law enforcement agencies, the department of 16 the attorney general, and the department of human services. 17 18 (C) All unexpended and unencumbered moneys remaining in the internet crimes against children special fund at the close 19 of each fiscal year that are deemed, by the director of finance, 20 to be in excess of the moneys necessary to carry out the purpose 21

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of this section over the next following fiscal year shall lapse
 to the credit of the state general fund.

3 -5 Internet crimes against children advisory S 4 There shall be established an internet crimes committee. 5 against children advisory committee. The advisory committee 6 shall develop policy, planning, and strategy, and publicize 7 issues relating to internet crimes against children. Membership 8 in the advisory committee shall be open to any individual or representative of an agency committed to prosecuting internet 9 10 crimes against children and assisting child victims. The committee shall be placed within the department of public safety 11 12 for administrative purposes."

13 SECTION 3. The advisory committee for the internet crimes 14 against children special fund shall submit a report to the 15 legislature no later than twenty days prior to the convening of 16 the regular session of 2015 detailing its findings and 17 recommendations including any proposed legislation for reducing 18 internet crimes committed against minors.

19 SECTION 4. This Act does not affect rights and duties that 20 matured, penalties that were incurred, and proceedings that were 21 begun, before the effective date of this Act.

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S.B. NO. 102

SECTION 5. This Act shall take effect on July 1, 2013.

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INTRODUCED BY:

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Report Title:

Internet Crimes Against Children Fund; Department of Public Safety; Alicia's Law

Description:

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Establishes an internet crimes against children fee upon each felony or misdemeanor conviction. Requires deposit of the fees into an internet crimes against children special fund to provide training and resources for local law enforcement agencies' and investigators' use in investigating and prosecuting internet crimes against children. Establishes an internet crimes against children advisory committee.

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