

ACT 115

S.B. NO. 702

A Bill for an Act Relating to Child Abuse.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that due to a lack of dedicated resources, only about two per cent of known child internet crime offenders are being investigated. Alicia's Law is an initiative that builds state capacity to combat crimes against children by securing funding for internet crimes against children task forces. Alicia's Law was named for Alicia Kozakiewicz, who was abducted by an internet predator and sexually abused.

The purpose of this Act is to combat internet crimes against children by establishing an internet crimes against children fee and a special fund to assist law enforcement to investigate and prosecute internet crimes against children and groups working directly to fight internet crimes against children.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

**“CHAPTER
INTERNET CRIMES AGAINST CHILDREN**

§ -1 **Short title.** This chapter shall be known as and may be cited as “Alicia's Law”.

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

“Internet crimes against children” means promoting child abuse in the first degree under section 707-750, promoting child abuse in the second degree

under section 707-751, promoting child abuse in the third degree under section 707-752, electronic enticement of a child in the first degree under section 707-756, electronic enticement of a child in the second degree under section 707-757, indecent electronic display to a child under section 707-759, or promoting pornography for minors under section 712-1215.

§ -3 Internet crimes against children fee. (a) The court shall order every defendant to pay an internet crimes against children fee of up to \$100 for each felony or misdemeanor conviction; provided that no fee shall be ordered when the court determines that the defendant is unable to pay the fee.

(b) When a defendant is also ordered to pay a fine, make restitution, pay a crime victim compensation fee, or pay other fees in addition to the internet crimes against children fee, payments by the defendant shall be made in the order of priority established under section 706-648.

(c) The defendant shall pay the internet crimes against children fee to the clerk of the court. The fee shall be deposited with the director of finance who shall transmit the fee to the internet crimes against children special fund pursuant to section -4.

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

- (1) All fees collected pursuant to section -3;
- (2) Moneys appropriated by the legislature to the fund;
- (3) Other grants and gifts made to the fund; and
- (4) Any income and capital gains earned by the fund.

(b) Moneys in the internet crimes against children special fund shall be expended by the department of the attorney general for the following purposes:

- (1) To provide training and equipment for local law enforcement agencies to use in investigating and prosecuting internet crimes against children, including funding to increase the forensic capacity of digital evidence;
- (2) To enable law enforcement to investigate and prosecute internet crimes against children; and
- (3) To assist groups working directly to combat internet crimes against children.

(c) All unexpended and unencumbered moneys remaining in the internet crimes against children special fund at the close of each fiscal year that are deemed, by the director of finance, to be in excess of the moneys necessary to carry out the purpose of this section over the following fiscal year shall lapse to the credit of the state general fund."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$62,500 or so much thereof as may be necessary for fiscal year 2014-2015 to be deposited into the internet crimes against children special fund under section -4, Hawaii Revised Statutes.

SECTION 4. There is appropriated out of the internet crimes against children special fund the sum of \$62,500 or so much thereof as may be necessary for fiscal year 2014-2015 for purposes of providing training and equipment to local law enforcement, providing law enforcement with funds to investigate and prosecute internet crimes against children, and assisting groups working directly to combat internet crimes against children.

The sum appropriated shall be expended by the department of the attorney general for the purposes of this Act.

SECTION 5. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before the effective date of this Act.

SECTION 6. This Act shall take effect on July 1, 2014.

(Approved June 20, 2014.)