

JAN 17 2014

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
3 exploitation offenders are being investigated. Alicia's Law is
4 an initiative that builds state capacity to combat crimes
5 against children by seeking funding for internet crimes against
6 children task forces. Alicia's Law was named for Alicia
7 Kozakiewicz, who was abducted by an internet predator and
8 sexually abused.

9 The purpose of this Act is to create a special fund
10 dedicated to investigating and prosecuting child pornographers
11 and other perpetrators of internet facilitated crimes against
12 children, to promote education on internet safety to the public
13 and to minors, to rescue child victims from abuse and
14 exploitation, and to require the attorney general to submit a
15 report to the legislature.

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



1 "CHAPTER

2 INTERNET CRIMES AGAINST CHILDREN

3 § -1 Short title. This chapter shall be known as and
4 may be cited as "Alicia's Law".

5 § -2 Definitions. As used in this chapter, unless the
6 context otherwise requires:

7 "Child" means a person who is under eighteen years of age.

8 "Child pornography" has the same meaning as in section
9 707-750.

10 "Internet crimes against children" means the promotion of
11 or solicitation of child abuse, including promoting child abuse
12 in the first degree under section 707-750, promoting child abuse
13 in the second degree under section 707-751, promoting child
14 abuse in the third degree under section 707-752, or performing
15 indecent electronic display to a child under section 707-759.

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

19 § -3 Internet crimes against children fee. The court
20 shall impose and collect a fee of \$10 upon every defendant for
21 each felony or misdemeanor conviction. All fees collected



1 pursuant to this section shall be deposited into the internet
2 crimes against children special fund.

3 **§ -4 Internet crimes against children special fund;**

4 **established.** (a) There is established in the state treasury
5 the internet crimes against children special fund, into which
6 shall be deposited:

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

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

- 14 (1) To provide training and equipment for local law
15 enforcement agencies' use in investigating and
16 prosecuting internet crimes against children,
17 including funding to increase the forensic capacity of
18 digital evidence;
- 19 (2) To enable internet crimes investigators to follow the
20 trail of child pornography traffic to locate children
21 in need of protection; and



1 (3) To expressly support the work of the State's internet
2 crimes against children task force and its affiliate
3 agencies.

4 (c) All unexpended and unencumbered moneys remaining in
5 the internet crimes against children special fund at the close
6 of each fiscal year shall carry over to the following fiscal
7 year. Moneys accrued and deposited into the fund shall not
8 revert back to the general fund or be diverted to other
9 activities."

10 SECTION 3. The attorney general shall submit a report to
11 the legislature no later than twenty days prior to the convening
12 of the regular session of 2015 that includes:

13 (1) All statistical data as reported to the United States
14 Department of Justice and the Office of Juvenile
15 Justice and Delinquency Prevention, in compliance with
16 the federal Internet Crimes Against Children Task
17 Force requirements;

18 (2) The annual number of arrests involving internet crimes
19 against children;

20 (3) The annual number of child victims rescued and
21 identified;



- 1 (4) Proposed legislation for reducing internet crimes
- 2 committed against children; and
- 3 (5) Any additional resources needed by the department of
- 4 the attorney general or any Internet Crimes Against
- 5 Children Task Force affiliate law enforcement office
- 6 in the State, to further assist in the identification
- 7 of internet crimes against children and increased
- 8 rescue of children.

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

12 SECTION 5. This Act shall take effect on July 1, 2014.

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S.B. NO. 2545

Report Title:

Internet Crimes Against Children Fund; Department of the Attorney General; Alicia's Law

Description:

Establishes an internet crimes against children fee for 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. Requires the attorney general to submit a report to the legislature no later than twenty days prior to the convening of the regular session of 2015.

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