

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 702
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B. No. 702, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHILD ABUSE,"

begs leave to report as follows:

The purpose and intent of this measure is to establish, and assess against each defendant convicted of a felony or misdemeanor, the internet crimes against children fee to provide funding for law enforcement to combat internet crimes against children.

The measure also establishes a special fund for deposit of the internet crimes against children fee and other moneys to be used by the Department of the Attorney General to disburse funds to:

- (1) Provide equipment and training for law enforcement to investigate and prosecute internet crimes against children; and
- (2) Enable internet crime investigators to follow the trail of child pornography traffic to locate children in need of protection.

Your Committee received written comments in support of this measure from the Department of the Attorney General and PROTECT. The Department of Budget and Finance and the Department of Human Services submitted written comments on this measure.



Your Committee notes that a very small percentage of investigative leads related to internet crimes against children are examined every month due to limited funds, equipment, and training. Your Committee finds that imposing a fee on every defendant convicted of a felony or misdemeanor will help to establish funding for training and equipment necessary to enhance the investigation and prosecution of internet crimes against children.

Your Committee has amended this measure by:

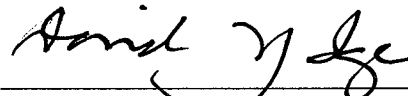
- (1) Expanding the definition of "internet crimes against children" to include:
 - (A) Electronic enticement of a child in the first degree under section 707-756, Hawaii Revised Statutes;
 - (B) Electronic enticement of a child in the second degree under section 707-757, Hawaii Revised Statutes; and
 - (C) Promoting pornography for minors under section 712-1215, Hawaii Revised Statutes;
- (2) Changing the internet crimes against children fee to an unspecified amount;
- (3) Clarifying that moneys from the internet crimes against children special fund shall be used for the broader purpose of enabling law enforcement to investigate and prosecute internet crimes against children;
- (4) Deleting specific references to the Department of Public Safety and the Department of Human Services to permit the Department of the Attorney General greater flexibility in determining to which groups working to combat internet crimes against children the moneys in the special fund should be disbursed;



- (5) Adding an appropriation of an unspecified amount from the general revenues of the State to the internet crimes against children special fund and appropriating an unspecified amount from the internet crimes against children special fund to the Department of the Attorney General;
- (6) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (7) Making technical nonsubstantive amendments for the purposes of style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 702, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 702, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. ICE, Chair



