

TESTIMONY BY KALBERT K. YOUNG  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE SENATE COMMITTEE ON WAYS AND MEANS  
ON  
SENATE BILL NO. 702, S.D. 1

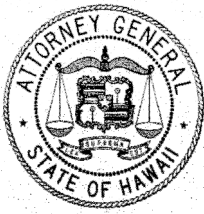
February 26, 2014

RELATING TO CHILD ABUSE

Senate Bill No. 702, S.D. 1, establishes an Internet Crimes Against Children Special Fund into which shall be deposited the funds from fees for court costs imposed upon every defendant for each felony and misdemeanor conviction, moneys appropriated by the Legislature, grants and gifts made to the fund, and income and capital gains earned by the fund. The funds are to be used to provide training and equipment for local law enforcement agencies and enable internet crime investigators to follow the trail of child pornography.

As a matter of general policy, the department does not support the creation of special funds which do not meet the requirements of Section 37-52.3, HRS. Special or revolving funds should: 1) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; 2) provide an appropriate means of financing for the program or activity; and 3) demonstrate the capacity to be financially self-sustaining. In regards to Senate Bill No. 702, S.D. 1, the proposed special fund does not appear to comply with Section 37-52.3.

In addition, the bill does not make an appropriation to allow the Department of the Attorney General, Department of Public Safety or the Department of Human Services to expend the funds to combat internet crimes against children.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-SEVENTH LEGISLATURE, 2014**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 702, S.D. 1, RELATING TO CHILD ABUSE.

**BEFORE THE:**

SENATE COMMITTEE ON WAYS AND MEANS

**DATE:** Wednesday, February 26, 2014      **TIME:** 9:15 a.m.

**LOCATION:** State Capitol, Room 211

**TESTIFIER(S):** WRITTEN COMMENTS ONLY. For more information, call  
Albert Cook, Deputy Attorney General, at 586-0940

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Chair Ige, and Members of the Committee:

The Department of the Attorney General supports this bill with amendments.

This bill creates a special fund to aid the Internet Crimes Against Children Task Force (the "ICAC Task Force") in investigation and prosecution of internet crimes against children. The fund is to be generated by imposing a \$10 fee upon every defendant for each criminal conviction at sentencing, and by moneys appropriated by this bill. We agree that there is great need to fund the ICAC Task Force and share the following concerns and suggestions for amendments to the bill.

We would include within the definition of "Internet Crimes Against Children" in section -2, page 2, lines 8-14, the crimes of electronic enticement of a child in the first degree under section 707-756, Hawaii Revised Statutes (HRS), electronic enticement of a child in the second degree under section 707-757, HRS, and promoting pornography for minors under section 712-1215, HRS.

While we believe that the ICAC Task Force should be funded, the funding mechanism of imposing and collecting a fee of \$10 on each criminal defendant does not meet the requirements of section 37-52.3, HRS, which requires special or revolving funds to: (1) Reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; (2) Provide an appropriate means of financing for the program or activity; and (3) Demonstrate the capacity to be financially self-sustaining. The proposed bill does not meet the nexus requirement.

There is also no appropriation section in the bill allowing for the expenditure of the funds collected.

Lastly, under section -4 (b)(2), page 3, lines 17-19, we propose changing that section to read “To enable internet crimes investigators to investigate and prosecute internet crimes against children” rather than the present wording, which limits the types of crimes to be investigated.

We respectfully support passage of this bill with the proposed amendments.

Senator David Y. Ige, Chair  
Senator Michelle N. Kidani, Vice Chair  
Ways and Means Committee

Paul Jagosh  
Legislative Advisor  
PROTECT

Wednesday February 26, 2014

Support for S.B. 702, S.D. 1, Relating to “Alicia’s Law”

Chairman Ige and members of the Ways and Means committee. My name is Paul Jagosh and I represent PROTECT, a nonpartisan, pro-child, anti-crime membership association. PROTECT is dedicated exclusively to the issue of child protection and have focused efforts on securing dedicated state funding for Internet Crimes Against Children Task Forces (ICAC) by creating a 50 state initiative called “Alicia’s Law.” This law is named after Alicia Kozakeiwicz who visited your great state last month to tell her story of being kidnapped, raped, tortured and rescued by an ICAC task force.

PROTECT has been successful in securing dedicated funding for ICAC task forces in Virginia, Texas, Mississippi, California, Tennessee, and most recently in Idaho.

In 2008, USA Today reported that Hawaii had almost 2300 leads of people trading child pornography. A 2011 report from the Federal Bureau of Investigation stated that the problem of child pornography is “worse than anticipated and growing exponentially.” My research has found that most states have doubled or tripled the number of unique leads since 2008 and I believe Hawaii follows that trend.

The term “child pornography” does not accurately describe the reality of these videos and photographs. Only 1% of people who trade child pornography limit it to simple photos of naked children. These are full length videos of two year old children crying out for their mommy while being anally raped. Photographs of sadistic tortuous abuse of young children. 39% of child pornography is of children 3 to 5 years old. 80% had images of sexual penetration, and 21% had images of bondage, rape and torture. Each one of these photographs and videos is a crime scene that needs to be investigated.

In 2012 one of the largest collectors of child pornography was arrested in Hawaii. Investigators located 1.7 million photographs and 31,000 videos of what the judge in the case described as “incredibly horrific images.” The investigation discovered that the offender was also molesting children.

Evidence shows that 50 to 70 percent of those that view child pornography are also raping and molesting children. Most children do not report the abuse and the

average offender rapes or molests 24 children before they are caught. These investigations literally rescue children from horrific sexual abuse who might never have been rescued.

Currently the Hawaii ICAC task force is run by the Attorney General's office and operates off a Federal grant of approximately \$230,000. With these limited funds they are only able to investigate 1 to 2 leads per month.

"Alicia's Law" in Hawaii will help increase these investigations and allow the investigators to prioritize the worst of the worst offenders.