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HOUSE BILL NO. 1189

Offered January 9, 2008

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A BILL to provide appropriations relating to anti-child-exploitation law-enforcement efforts.

Patrons—Moran, Mathieson and Sherwood

Referred to Committee on Appropriations

Be it enacted by the General Assembly of Virginia:

1. § 1. The General Assembly hereby finds and declares the following:

A. The Internet has given our children unprecedented access to the world, but it has also given the world unprecedented access to our children. Sexual predators are now using the Internet to find, communicate with, and prey upon children and teens, putting hundreds of thousands of Virginia children at risk.

B. The Internet has facilitated the growth of a multibillion dollar global market for images of children being sexually displayed, raped, and tortured. Research by the U.S. Department of Justice and the National Center for Missing and Exploited Children indicates that 83 percent of individuals arrested for possession of child pornography have images of children six to 12 years old, and 80 percent have images of children being sexually penetrated. Over 20 percent have images depicting children bound, gagged, blindfolded, or "otherwise enduring sadistic sex." Only one percent restricted their collections to images of simple child nudity.

C. Investigation of both online enticement and child pornography requires the same highly specialized investigation skills and is done by the same agents. The Northern Virginia Internet Crimes Against Children Task Force and the Southern Virginia Internet Crimes Against Children Task Force through the Bedford County Sheriff's Office are the two established law-enforcement teams investigating child exploitation in the Commonwealth.

D. In Virginia and nationally, child exploitation investigators are overwhelmed, lacking the personnel and resources to investigate the vast majority of known crimes. Nationally, federal, state, and local law-enforcement authorities estimate just two percent of leads can be investigated. Forensic analysis capacity is so limited that investigators often wait as long as eight months to have a computer hard drive analyzed, further reducing the number of cases that can be investigated and prosecuted.

E. Child pornography and online child enticement crimes have among the highest conviction rates of any child sexual offense, and research indicates that 55-80 percent of child pornography offenders have committed direct sexual contact offenses against children. Investigating and prosecuting these predators is thus one of the most concrete and measurable strategies for the prevention of future child sexual abuse.

§ 2. In each fiscal year, there shall be appropriated:

A. \$1.5 million to the Virginia State Police's Northern Virginia - Washington, D.C. Internet Crimes Against Children Task Force (NOVA ICAC Task Force) to expand existing regional operations.

B. \$1.5 million to the Bedford County Sheriff's Office Internet Crimes Against Children Task Force (SOVA ICAC Task Force), to expand existing regional operations.

C. \$4.5 million to the Commonwealth of Virginia Department of Criminal Justice Services for capacity-building grants to accredited local law-enforcement agencies who execute memoranda of agreement with certain regional Internet Crimes Against Children task forces, as described in § 4.

D. \$400,000 each to the NOVA ICAC Task Force and the SOVA ICAC Task Force for training and technical support to Internet Crimes Against Children task forces and local law-enforcement agencies.

E. \$250,000 to the Office of the Attorney General for training and technical assistance to Offices of the Attorney for the Commonwealth for child exploitation prosecution.

F. \$1.25 million to the Office of the Attorney General for additional prosecutors and support staff in the Offices of the Attorney for the Commonwealth dedicated exclusively to prosecuting child exploitation and assisting Virginia prosecutors in the prosecution of child exploitation crimes.

The Attorney General shall by August 31 of each year provide a written report to the General Assembly on the use of such annual appropriation in the most recently ended fiscal year. The report shall include, but shall not be limited to, data for the most recently ended fiscal year in regard to the following: the total prosecutions for child exploitation-related offenses, by offense and prosecutorial jurisdiction; the total number of convictions for child exploitation-related offenses, by offense and prosecutorial jurisdiction; the average length of sentence imposed for child exploitation-related convictions, by offense and prosecutorial jurisdiction; and the number of child exploitation-related

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59 offenses referred for prosecution by law-enforcement agencies but declined for prosecution, by offense
60 and prosecutorial jurisdiction.

61 G. \$500,000 to the Safe Surfin' Foundation to disseminate an established, age-appropriate education
62 program on Internet safety for children, teachers, and parents in schools. For such purposes Safe Surfin'
63 Foundation shall work closely with the Virginia Department of Education.

64 § 3. Except as otherwise specifically provided under this act, all funds appropriated under this act
65 shall be used for investigating and prosecuting online sexual exploitation of children, including activities
66 that directly support those investigations and prosecutions, and not for other computer-related crimes.
67 All recipients of funds pursuant to the provisions of § 2 shall report annually to their administering
68 Internet Crimes Against Children Task Force, as applicable, on the use of such funds and program
69 outcomes, including but not limited to the number of criminal leads generated and investigated relating
70 to child exploitation; the number of child exploitation-related arrests, by offense; and the number of
71 child exploitation-related offenses referred for prosecution, by agency referred to and offense. The
72 NOVA ICAC Task Force and the SOVA ICAC Task Force shall report such statistics to the
73 Commonwealth of Virginia Department of Criminal Justice Services, which shall make such information
74 available to the public on its Internet website and through other means.

75 § 4. The Commonwealth of Virginia Department of Criminal Justice Services shall administer the
76 funds for capacity-building grants appropriated under subsection C of § 2. The purpose of the grant
77 program shall be (i) to provide seed moneys to encourage local law-enforcement agencies to enter the
78 field of child exploitation investigations, and (ii) to build long-term investigative and forensic capacity
79 within local law-enforcement agencies. As a condition of a grant, recipients shall be required to execute
80 a memorandum of agreement with the NOVA ICAC Task Force or the SOVA ICAC Task Force and
81 agree to work closely with the task force, abiding by its guidelines and protocols.

82 In selecting an accredited law-enforcement agency to receive a capacity-building grant for an
83 Internet Crimes Against Children task force, the Department shall use the following criteria:

84 1. The law-enforcement agency's ability and willingness to work closely with law-enforcement
85 agencies, prosecutors, and local governments within the geographic region served. This shall include but
86 shall not be limited to (i) recruiting local law-enforcement agencies to the regional Internet Crimes
87 Against Children task force, per established Internet Crimes Against Children guidelines and protocols;
88 (ii) assisting with training; and (iii) referring child exploitation cases to local law-enforcement agencies
89 in the region and providing technical assistance when necessary.

90 2. The law-enforcement agency's experience with online investigations or computer forensics.

91 3. The law-enforcement agency's ability to provide leadership within the law-enforcement community.

92 4. The law-enforcement agency's support from local Offices of the Attorney for the Commonwealth.

93 Additional criteria for a grant shall include, but shall not be limited to, (i) matching funds or in-kind
94 contributions to the program at the ratio of \$1 in matching funds for each \$1 in grants, and (ii) the
95 law-enforcement agency's experience with computer investigations or specialized sexual assault
96 investigations or a strong demonstrated commitment to this work.

97 To the maximum extent feasible, the Commonwealth of Virginia Department of Criminal Justice
98 Services shall distribute the grants described herein to law-enforcement agencies on a pro rata basis by
99 counties and cities. In the event that there are no qualified applicants for a grant within a county or
100 city, the unallocated grant moneys shall be redistributed within the same geographical district. The
101 Commonwealth of Virginia Department of Criminal Justice Services shall consult with the NOVA ICAC
102 and SOVA ICAC Task Forces (i) in developing the grant program described herein, and (ii) in regard
103 to ongoing implementation of the grant program including program priorities, criteria for grant awards,
104 and the annual distribution of grants.

105 § 5. In addition to the funding under § 2 there shall be appropriated \$6 million in Fiscal Year
106 2008-2009 to the Department of Forensic Science to establish three regional forensic computer labs
107 dedicated exclusively to the investigation and prosecution of crimes against children, with priority given
108 to Internet Crimes Against Children Task Forces and their affiliate agencies. One lab shall be
109 established in each of the following areas: Culpeper, Roanoke, and the Tidewater-Virginia Beach
110 region.

111 There is hereby appropriated \$3 million in each fiscal year for the operations of the regional
112 forensic computer labs.

113 The Department of Forensic Science shall create a Crimes Against Children Regional Computer
114 Forensic Lab Steering Committee for the purpose of providing advice and oversight on the operation of
115 the regional forensic computer labs. The following shall be members of the steering committee: (i) one
116 representative of the NOVA ICAC Task Force appointed by the Task Force; (ii) one representative of
117 the SOVA ICAC Task Force appointed by the Task Force; (iii) the Director of the Department of
118 Forensic Science or his designee; (iv) one community representative from a crime victim advocacy
119 organization or a child advocacy organization appointed by the Director of the Department of Forensic
120 Science; and (v) two representatives of accredited Virginia law-enforcement agencies appointed by the

121 *Director of the Department of Forensic Science.*