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SENATE BILL NO. 37

Offered January 9, 2008

Prefiled December 19, 2007

*A BILL to provide appropriations relating to anti-child-exploitation law-enforcement efforts.*Patron—Deeds

Referred to Committee for Courts of Justice

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 multi-billion 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 6-12 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 - Washington, D.C. Internet Crimes Against Children Task Force and the Bedford County Sheriff's Department Internet Crimes Against Children Task Force 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, to expand existing regional operations.

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

C. \$1.25 million for a Southeastern Virginia Internet Crimes Against Children Task Force, to be awarded competitively to an accredited law-enforcement agency.

D. \$1.25 million for a Richmond/Central Virginia Internet Crimes Against Children Task Force, to be awarded competitively to an accredited law-enforcement agency.

E. \$2 million to the Virginia State Police to create the Virginia Internet Predator Enforcement Resources (VIPER) program, for capacity-building grants to accredited local law-enforcement agencies who execute memoranda of agreement with regional Internet Crimes Against Children task forces.

F. \$800,000 to the Virginia State Police for a statewide training and support program to regional Internet Crimes Against Children task forces and local law-enforcement agencies.

G. \$1 million to the Office of the Attorney General for competitive capacity-building and training grants to Commonwealth's Attorneys' offices for child exploitation prosecution.

H. \$400,000 to the Office of the Attorney General for additional prosecutors and support staff dedicated exclusively to prosecuting child exploitation and assisting Virginia prosecutors in the prosecution of child exploitation crimes.

I. \$300,000 to the Virginia Department of Education to work with state and national experts to select, adapt, and disseminate an established, age-appropriate education program on Internet Safety for children, teachers, and parents in all schools, in close coordination with and utilizing agents from the

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59 regional Internet Crimes Against Children task forces.

60 § 3. The use of funds appropriated pursuant to subsections A, B, C, and D of § 2 are subject to the
61 terms and requirements of the federal Internet Crimes Against Children program, including, but not
62 limited to, Internet Crimes Against Children program guidelines and protocols, training standards, and
63 reporting requirements. All such funds appropriated shall be used for investigating and prosecuting
64 online sexual exploitation of children, including activities that directly support those investigations and
65 prosecutions, and not for other computer-related crimes. If an Internet Crimes Against Children task
66 force loses its federal certification, such state funds appropriated may be withdrawn from such task
67 force and redistributed to other existing Internet Crimes Against Children task forces by the Director of
68 the Department of Planning and Budget.

69 § 4. The Department of Criminal Justice Services shall administer the funds appropriated under
70 subsections C and D of § 2. In selecting an accredited law-enforcement agency to receive funds for an
71 Internet Crimes Against Children task force, the Department shall use the following criteria:

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

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

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

80 4. The law-enforcement agency's support from local Commonwealth's Attorneys.

81 § 5. The purpose of the VIPER grant program described under subsection E of § 2 shall be (i) to
82 provide seed monies to encourage local law-enforcement agencies to enter the field of child exploitation
83 investigations, and (ii) to build long-term investigative and forensic capacity within local
84 law-enforcement agencies.

85 As a condition of VIPER grant funding from the Virginia State Police, recipients shall be required to
86 execute a memorandum of agreement with one of the four Internet Crimes Against Children task forces
87 listed in § 2 and agree to work closely with the task force, abiding by its guidelines and protocols.
88 Additional criteria for a VIPER grant shall include, but shall not be limited to, (i) matching funds or
89 in-kind contributions to the program at the ratio of \$1 in matching funds for each \$1 in grants, (ii) the
90 law-enforcement agency's experience with computer investigations or specialized sexual assault
91 investigations or a strong demonstrated commitment to this work, and (iii) support from local
92 Commonwealth's Attorneys.

93 § 6. In addition to the annual funding under § 2 there shall be appropriated:

94 A. \$4 million in Fiscal Year 2008-2009 to the Virginia State police for one-time equipment and
95 infrastructure costs for a statewide computer crime lab exclusively dedicated to crimes against children;

96 B. \$1 million in Fiscal Year 2008-2009 to the Bedford County Sheriff's Department for one-time
97 costs associated with increasing forensic computer capacity;

98 C. \$1 million in Fiscal Year 2009-2010 and the same amount in each fiscal year thereafter to the
99 Virginia State Police for operation of a statewide computer crime lab, exclusively dedicated to crimes
100 against children; and

101 D. \$2 million in Fiscal Year 2009-2010 and the same amount in each fiscal year thereafter to the
102 Virginia Sate Police for competitive grants to regional Internet Crimes Against Children task forces and
103 participating law-enforcement agencies for computer forensic capacity.