

1 **PROSECUTION AND PREVENTION OF CHILD**
2 **PORNOGRAPHY OFFENSES AMENDMENTS**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ron Bigelow**

6 Senate Sponsor: Lyle W. Hillyard

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the duties of the State Commission on Criminal and Juvenile Justice
11 and the attorney general and appropriates certain ongoing General Fund monies to the
12 attorney general and the State Commission on Criminal and Juvenile Justice to fund
13 prosecution, prevention, and treatment of individuals involved in child pornography
14 crimes and other pornography crimes.

15 **Highlighted Provisions:**

16 This bill:

- 17 ▶ adds duties to the State Commission on Criminal and Juvenile Justice to allocate
18 and administer certain grants for approved treatment programs for sexually
19 exploited children and their offenders;
- 20 ▶ creates an Internet Crimes Against Children unit within the Office of the Attorney
21 General;
- 22 ▶ appropriates monies to the attorney general for the following items related to Title
23 76, Chapter 5a, Sexual Exploitation of Children:
- 24 • two new prosecutors and required equipment;
 - 25 • grants, for state and local law enforcement and prosecution agencies;
 - 26 • funding for the Children's Justice Center Medical Assessment Program; and
 - 27 • certain other legal expenses; and



28 ▶ appropriates monies to the State Commission on Criminal and Juvenile Justice for
29 grants for treatment programs for sexually exploited children and their offenders.

30 **Monies Appropriated in this Bill:**

31 This bill appropriates from the General Fund as follows:

32 ▶ to the attorney general as an ongoing appropriation subject to future budget
33 constraints, \$800,000 for fiscal year 2006-07;

34 ▶ to the attorney general as an ongoing appropriation subject to future budget
35 constraints, \$250,000 for fiscal year 2006-07;

36 ▶ to the State Commission on Criminal and Juvenile Justice as an ongoing
37 appropriation subject to future budget constraints, \$1,050,000 for fiscal year
38 2006-07; and

39 ▶ to the attorney general, \$400,000 for fiscal year 2006-07.

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **63-25a-104**, as last amended by Chapter 220, Laws of Utah 2001

45 ENACTS:

46 **67-5-21**, Utah Code Annotated 1953



48 *Be it enacted by the Legislature of the state of Utah:*

49 Section 1. Section **63-25a-104** is amended to read:

50 **63-25a-104. Duties of commission.**

51 The State Commission on Criminal and Juvenile Justice administration shall:

52 (1) promote the commission's purposes as enumerated in Section 63-25a-101;

53 (2) promote the communication and coordination of all criminal and juvenile justice
54 agencies;

55 (3) study, evaluate, and report on the status of crime in the state and on the
56 effectiveness of criminal justice policies, procedures, and programs that are directed toward the
57 reduction of crime in the state;

58 (4) study, evaluate, and report on policies, procedures, and programs of other

- 59 jurisdictions which have effectively reduced crime;
- 60 (5) identify and promote the implementation of specific policies and programs the
61 commission determines will significantly reduce crime in Utah;
- 62 (6) provide analysis and recommendations on all criminal and juvenile justice
63 legislation, state budget, and facility requests, including program and fiscal impact on all
64 components of the criminal and juvenile justice system;
- 65 (7) provide analysis, accountability, recommendations, and supervision for state and
66 federal criminal justice grant monies;
- 67 (8) provide public information on the criminal and juvenile justice system and give
68 technical assistance to agencies or local units of government on methods to promote public
69 awareness;
- 70 (9) promote research and program evaluation as an integral part of the criminal and
71 juvenile justice system;
- 72 (10) provide a comprehensive criminal justice plan annually;
- 73 (11) review agency forecasts regarding future demands on the criminal and juvenile
74 justice systems, including specific projections for secure bed space; ~~and~~
- 75 (12) promote the development of criminal and juvenile justice information systems that
76 are consistent with common standards for data storage and are capable of appropriately sharing
77 information with other criminal justice information systems by:
- 78 (a) developing and maintaining common data standards for use by all state criminal
79 justice agencies;
- 80 (b) annually performing audits of criminal history record information maintained by
81 state criminal justice agencies to assess their accuracy, completeness, and adherence to
82 standards;
- 83 (c) defining and developing state and local programs and projects associated with the
84 improvement of information management for law enforcement and the administration of
85 justice; and
- 86 (d) establishing general policies concerning criminal and juvenile justice information
87 systems and making rules as necessary to carry out the duties under this Subsection (12) and
88 Subsection (10)~~[-]; and~~
- 89 (13) allocate and administer grants, from monies made available, for approved

90 treatment and education programs for sexually exploited children and their offenders.

91 Section 2. Section **67-5-21** is enacted to read:

92 **67-5-21. Internet Crimes Against Children (ICAC) unit creation -- Duties --**
93 **Employment of staff.**

94 (1) There is created within the Office of the Attorney General the Internet Crimes
95 Against Children (ICAC) unit to investigate and prosecute cases involving child pornography
96 and cases involving enticing minors over the internet into illegal sexual acts.

97 (2) The attorney general may employ investigators, prosecutors, and necessary support
98 staff for the unit created under Subsection (1).

99 Section 3. **Appropriation.**

100 (1) There is appropriated from the General Fund to the attorney general as an ongoing
101 appropriation, subject to future budget constraints, \$800,000 for fiscal year 2006-07.

102 (2) There is appropriated from the General Fund to the State Commission on Criminal
103 and Juvenile Justice as an ongoing appropriation, subject to future budget constraints,
104 \$1,050,000 for fiscal year 2006-07.

105 (3) There is appropriated from the General Fund to the attorney general as an ongoing
106 appropriation, subject to future budget constraints, \$250,000 for fiscal year 2006-07 for the
107 Children's Justice Center Medical Assessment Program.

108 (4) There is appropriated from the General Fund to the attorney general, \$400,000 for
109 fiscal year 2006-07 for outside legal counsel and expert witnesses for child pornography related
110 prosecution or defense.

111 (5) It is the intent of the Legislature that:

112 (a) the monies appropriated under Subsection (1) be used to fund prosecution and
113 investigatory activities that may lead to an enforcement action by the attorney general as
114 follows:

115 (i) \$150,000 for one new prosecutor and required equipment for enforcement actions
116 under Title 76, Chapter 5a, Sexual Exploitation of Children;

117 (ii) \$150,000 for one new prosecutor and required equipment for enforcement actions
118 under Title 76, Chapter 5a, Sexual Exploitation of Children, and enforcement actions under
119 other general pornography offenses; and

120 (iii) \$500,000 as grants, allocated and administered by the attorney general, for state

121 and local law enforcement and prosecution agencies that submit an application approved by the
122 attorney general; and
123 (b) the monies appropriated under Subsection (2) be used for grants, allocated and
124 administered in accordance with Subsection 63-25a-104(13), for treatment and education
125 programs for sexually exploited children and their offenders.

Legislative Review Note

as of 1-19-06 3:55 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

State Impact

The bill appropriates ongoing General Funds of \$1,050,000 to the Attorney General and \$1,050,000 to the Commission on Criminal and Juvenile Justice beginning FY 2007. The bill also appropriates one-time General Funds of \$400,000 to the Attorney General for FY 2007.

	<u>FY 2007</u> <u>Approp.</u>	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2007</u> <u>Revenue</u>	<u>FY 2008</u> <u>Revenue</u>
General Fund	\$2,100,000	\$2,100,000	\$0	\$0
General Fund, One-Time	\$400,000	\$0	\$0	\$0
TOTAL	\$2,500,000	\$2,100,000	\$0	\$0

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst