

Senator Lyle W. Hillyard proposes the following substitute bill:

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

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ron Bigelow

Senate Sponsor: Lyle W. Hillyard

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ adds duties to the State Commission on Criminal and Juvenile Justice to allocate and administer certain grants for approved prevention and education programs for sexually exploited children and their offenders;
- ▶ creates an Internet Crimes Against Children unit within the Office of the Attorney General;
- ▶ appropriates monies to the attorney general for the following items related to Title 76, Chapter 5a, Sexual Exploitation of Children:
 - one new prosecutor and required equipment;
 - 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, \$650,000 for fiscal year 2006-07;
- 34 ▶ to the State Commission on Criminal and Juvenile Justice, \$1,000,000 for fiscal
- 35 year 2006-07;
- 36 ▶ to the attorney general as an ongoing appropriation subject to future budget
- 37 constraints, \$200,000 for fiscal year 2006-07; and
- 38 ▶ to the attorney general, \$400,000 for fiscal year 2006-07.

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **63-25a-104**, as last amended by Chapter 220, Laws of Utah 2001

44 ENACTS:

45 **67-5-21**, Utah Code Annotated 1953



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

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

49 **63-25a-104. Duties of commission.**

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

- 51 (1) promote the commission's purposes as enumerated in Section 63-25a-101;
- 52 (2) promote the communication and coordination of all criminal and juvenile justice
- 53 agencies;
- 54 (3) study, evaluate, and report on the status of crime in the state and on the
- 55 effectiveness of criminal justice policies, procedures, and programs that are directed toward the
- 56 reduction of crime in the state;

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

88 (13) allocate and administer grants, from monies made available, for approved
89 prevention and education programs to help sexually exploited children and their offenders.

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

91 **67-5-21. Internet Crimes Against Children (ICAC) unit creation -- Duties --**
92 **Employment of staff.**

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

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

98 Section 3. **Appropriation.**

99 (1) There is appropriated from the General Fund to the attorney general as an ongoing
100 appropriation, subject to future budget constraints, \$650,000 for fiscal year 2006-07.

101 (2) There is appropriated from the General Fund to the State Commission on Criminal
102 and Juvenile Justice, \$1,000,000 for fiscal year 2006-07.

103 (3) There is appropriated from the General Fund to the attorney general as an ongoing
104 appropriation, subject to future budget constraints, \$200,000 for fiscal year 2006-07 for the
105 Children's Justice Center Medical Assessment Program.

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

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

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

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

115 (ii) \$500,000 as grants, allocated and administered by the attorney general, for state and
116 local law enforcement and prosecution agencies that submit an application approved by the
117 attorney general; and

118 (b) the monies appropriated under Subsection (2) be used for grants, allocated and

119 administered in accordance with Subsection 63-25a-104(13), for approved prevention and
120 education programs to help sexually exploited children and their offenders.

State Impact

The bill appropriates ongoing General Funds of \$850,000 to the Attorney General beginning FY 2007. The bill also appropriates one-time General Funds of \$1,000,000 to the Commission on Criminal and Juvenile Justice and \$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	\$850,000	\$850,000	\$0	\$0
General Fund, One-Time	\$1,400,000	\$0	\$0	\$0
TOTAL	\$2,250,000	\$850,000	\$0	\$0

Individual and Business Impact

No significant fiscal impact.
