

FIRST REGULAR SESSION

# HOUSE BILL NO. 849

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DIXON (Sponsor), FISHER, CUNNINGHAM (145), SATER, MOORE, SILVEY, VIEBROCK, DENISON, BIVINS, WILSON (119), WOOD, RUESTMAN, SCHOELLER AND WASSON (Co-sponsors).

Read 1st time February 13, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1896L.01I

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### AN ACT

To repeal sections 195.503 and 650.120, RSMo, and to enact in lieu thereof two new sections relating to Internet sex crimes against children, with an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 195.503 and 650.120, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 195.503 and 650.120, to read as follows:

195.503. As used in sections 195.501 to 195.511, the following terms mean:

- (1) "Department", the department of public safety;
- (2) "Director", the director of the department of public safety;
- (3) "Drug laws", all laws regulating the production, sale, prescribing, manufacturing, administering, transporting, having in possession, dispensing, distributing, or use of controlled substances, as defined in section 195.010;
- (4) "Multijurisdictional enforcement group", or "MEG", a combination of political subdivisions established under sections 573.500 and 573.503, RSMo, section 178.653, RSMo, and section 311.329, RSMo, to [enforce the drug laws of this state] **investigate and enforce computer, Internet-based, narcotics, and drug violations.**

650.120. 1. Subject to appropriation, the department of public safety shall create a program to distribute grants to multijurisdictional Internet cyber crime law enforcement task forces, **multijurisdictional enforcement groups, as defined in section 195.503, RSMo, that**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

4 **are investigating Internet sex crimes against children**, and other law enforcement agencies.  
5 **Not more than three percent of the money appropriated may be used by the department**  
6 **to pay the administrative costs of the grant program.** The grants shall be awarded and used  
7 to pay the salaries of detectives and computer forensic personnel whose focus is investigating  
8 Internet sex crimes against children, including but not limited to enticement of a child,  
9 possession or promotion of child pornography, [and to] provide funding for the training of law  
10 enforcement personnel, **and purchase necessary equipment, supplies, and services.** The  
11 funding for such training may be used to cover the travel expenses of those persons participating.

12 2. A panel is hereby established in the department of public safety to award grants under  
13 this program and shall be comprised of the following members:

14 (1) The director of the department of public safety, or his or her designee;

15 (2) Two members shall be appointed by the director of the department of public safety  
16 from a list of six nominees submitted by the Missouri Police Chiefs Association;

17 (3) Two members shall be appointed by the director of the department of public safety  
18 from a list of six nominees submitted by the Missouri Sheriffs' Association;

19 (4) Two members of the state highway patrol shall be appointed by the director of the  
20 department of public safety from a list of six nominees submitted by the Missouri State Troopers  
21 Association;

22 (5) One member of the house of representatives who shall be appointed by the speaker  
23 of the house of representatives; and

24 (6) One member of the senate who shall be appointed by the president pro tem.  
25

26 The panel members who are appointed under subdivisions (2), (3), and (4) of this subsection  
27 shall serve a four-year term ending four years from the date of expiration of the term for which  
28 his or her predecessor was appointed. However, a person appointed to fill a vacancy prior to the  
29 expiration of such a term shall be appointed for the remainder of the term. Such members shall  
30 hold office for the term of his or her appointment and until a successor is appointed. The  
31 members of the panel shall receive no additional compensation but shall be eligible for  
32 reimbursement for mileage directly related to the performance of panel duties.

33 3. Local matching amounts, which may include new or existing funds or in-kind  
34 resources including but not limited to equipment or personnel, are required for  
35 multijurisdictional Internet cyber crime law enforcement task forces and other law enforcement  
36 agencies to receive grants awarded by the panel. Such amounts shall be determined by the state  
37 appropriations process or by the panel.

38 4. When awarding grants, priority should be given to newly hired detectives and  
39 computer forensic personnel.

40           5. The panel shall establish minimum training standards for detectives and computer  
41 forensic personnel participating in the grant program established in subsection 1 of this section.

42           6. Multijurisdictional Internet cyber crime law enforcement task forces and other law  
43 enforcement agencies participating in the grant program established in subsection 1 of this  
44 section shall share information and cooperate with the highway patrol and with existing Internet  
45 Crimes Against Children task force programs.

46           7. The panel may make recommendations to the general assembly regarding the need for  
47 additional resources or appropriations.

48           8. **The power of arrest of any peace officer who is duly authorized as a member of**  
49 **a multijurisdictional Internet cyber crime law enforcement task force shall only be**  
50 **exercised during the time such peace officer is an active member of such task force and**  
51 **only within the scope of the investigation on which the task force is working.**  
52 **Notwithstanding other provisions of law to the contrary, such task force officer shall have**  
53 **the power of arrest, as limited in this subsection, anywhere in the state and shall provide**  
54 **prior notification to the chief of police of a municipality or the sheriff of the county in**  
55 **which the arrest is to take place. If exigent circumstances exist, such arrest may be made**  
56 **and notification shall be made to the chief of police or sheriff as appropriate and as soon**  
57 **as practical. The chief of police or sheriff may elect to work with the multijurisdictional**  
58 **Internet cyber crime law enforcement task force at his or her option when such task force**  
59 **is operating within the jurisdiction of such chief of police or sheriff.**

60           9. Under section 23.253, RSMo, of the Missouri sunset act:

61           (1) The provisions of the new program authorized under this section shall sunset  
62 automatically six years after June 5, 2006, unless reauthorized by an act of the general assembly;  
63 and

64           (2) If such program is reauthorized, the program authorized under this section shall  
65 sunset automatically twelve years after the effective date of the reauthorization of this section;  
66 and

67           (3) This section shall terminate on September first of the calendar year immediately  
68 following the calendar year in which the program authorized under this section is sunset.

          Section B. Because of the need to protect the citizens of this state, section A of this act  
2 is deemed necessary for the immediate preservation of the public health, welfare, peace and  
3 safety, and is hereby declared to be an emergency act within the meaning of the constitution, and  
4 section A of this act shall be in full force and effect upon its passage and approval.

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