

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1906
97TH GENERAL ASSEMBLY

Reported from the Committee on the Judiciary and Civil and Criminal Jurisprudence, May 12, 2014, with recommendation that the Senate Committee Substitute do pass.

4089S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 650.120, RSMo, and to enact in lieu thereof one new section relating to cyber crime investigation.

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

Section A. Section 650.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 650.120, to read as follows:

650.120. 1. There is hereby created in the state treasury the "Cyber Crime Investigation Fund". The treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. [Beginning with the 2010 fiscal year and in each subsequent fiscal year, the general assembly shall appropriate three million dollars to the cyber crime investigation fund.] The department of public safety shall be the administrator of the fund. Moneys in the fund shall be used solely for the administration of the grant program established under this section. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

2. 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, that are investigating Internet sex crimes against children, and other law enforcement agencies. The program shall be funded by the cyber crime investigation fund created under subsection 1 of this section. Not more than three percent of the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 money in the fund may be used by the department to pay the administrative costs
21 of the grant program. The grants shall be awarded and used to pay the salaries
22 of detectives, **assistant prosecuting and circuit attorneys**, and computer
23 forensic personnel whose focus is investigating Internet sex crimes against
24 children, including but not limited to enticement of a child, possession or
25 promotion of child pornography, provide funding for the training of law
26 enforcement personnel and prosecuting and circuit attorneys as well as their
27 assistant prosecuting and circuit attorneys, and purchase necessary equipment,
28 supplies, and services. The funding for such training may be used to cover the
29 travel expenses of those persons participating.

30 3. A panel is hereby established in the department of public safety to
31 award grants under this program and shall be comprised of the following
32 members:

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

34 (2) Two members [shall be] appointed by the director of the department
35 of public safety from a list of six nominees submitted by the Missouri Police
36 Chiefs Association;

37 (3) Two members [shall be] appointed by the director of the department
38 of public safety from a list of six nominees submitted by the Missouri Sheriffs'
39 Association;

40 (4) Two members of the state highway patrol [shall be] appointed by the
41 director of the department of public safety from a list of six nominees submitted
42 by the Missouri State Troopers Association;

43 (5) One member of the house of representatives [who shall be] appointed
44 by the speaker of the house of representatives; [and]

45 (6) One member of the senate [who shall be] appointed by the president
46 pro tem; **and**

47 (7) **The executive director of the Missouri office of prosecution**
48 **services, or his or her designee.**

49 The panel members who are appointed under subdivisions (2), (3), and (4) of this
50 subsection shall serve a four-year term ending four years from the date of
51 expiration of the term for which his or her predecessor was appointed. However,
52 a person appointed to fill a vacancy prior to the expiration of such a term shall
53 be appointed for the remainder of the term. Such members shall hold office for
54 the term of his or her appointment and until a successor is appointed. The
55 members of the panel shall receive no additional compensation but shall be

56 eligible for reimbursement for mileage directly related to the performance of
57 panel duties.

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

63 5. When awarding grants, priority should be given to newly hired
64 detectives and computer forensic personnel.

65 6. The panel shall establish minimum training standards for detectives
66 and computer forensic personnel participating in the grant program established
67 in subsection 2 of this section.

68 7. Multijurisdictional Internet cyber crime law enforcement task forces
69 and other law enforcement agencies participating in the grant program
70 established in subsection 2 of this section shall share information and cooperate
71 with the highway patrol and with existing Internet crimes against children task
72 force programs.

73 8. The panel may make recommendations to the general assembly
74 regarding the need for additional resources or appropriations.

75 9. The power of arrest of any peace officer who is duly authorized as a
76 member of a multijurisdictional Internet cyber crime law enforcement task force
77 shall only be exercised during the time such peace officer is an active member of
78 such task force and only within the scope of the investigation on which the task
79 force is working. Notwithstanding other provisions of law to the contrary, such
80 task force officer shall have the power of arrest, as limited in this subsection,
81 anywhere in the state and shall provide prior notification to the chief of police of
82 a municipality or the sheriff of the county in which the arrest is to take place. If
83 exigent circumstances exist, such arrest may be made and notification shall be
84 made to the chief of police or sheriff as appropriate and as soon as practical. The
85 chief of police or sheriff may elect to work with the multijurisdictional Internet
86 cyber crime law enforcement task force at his or her option when such task force
87 is operating within the jurisdiction of such chief of police or sheriff.

88 10. Under section 23.253 of the Missouri sunset act:

89 (1) The provisions of the new program authorized under this section shall
90 [sunset automatically six years after June 5, 2006] **be reauthorized on August**
91 **28, 2014 and shall expire on December 31, 2024**, unless reauthorized by an

92 act of the general assembly; and

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

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

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