

FIRST REGULAR SESSION

SENATE BILL NO. 256

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time January 11, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

0535S.02I

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.

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Section A. Sections 195.503 and 650.120, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 195.503 and 650.120, to read as follows: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 are investigating Internet sex crimes against children,** and other law enforcement agencies. **Not more**

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

6 **than three percent of the money appropriated may be used by the**
7 **department to pay the administrative costs of the grant program.** The
8 grants shall be awarded and used to pay the salaries of detectives and computer
9 forensic personnel whose focus is investigating Internet sex crimes against
10 children, including but not limited to enticement of a child, possession or
11 promotion of child pornography, [and to] provide funding for the training of law
12 enforcement personnel, **and purchase necessary equipment.** The funding for
13 such training may be used to cover the travel expenses of those persons
14 participating. **The grants shall not be awarded and used to pay any cost**
15 **associated with investigating violations and enforcing the provisions**
16 **of chapter 195, RSMo.**

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

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

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

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

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

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

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

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

42 panel duties.

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

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

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

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

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

60 8. **The power of arrest of any peace officer who is duly**
61 **authorized as a member of a multijurisdictional Internet cyber crime**
62 **law enforcement task force shall only be exercised during the time such**
63 **peace officer is an active member of such task force and only within the**
64 **scope of the investigation on which the task force is**
65 **working. Notwithstanding other provisions of law to the contrary, such**
66 **task force officer shall have the power of arrest, as limited in this**
67 **subsection, anywhere in the state and shall provide prior notification**
68 **to the chief of police of the municipality in which the arrest is to take**
69 **place or the sheriff of the county if the arrest is to be made in his or**
70 **her venue. If exigent circumstances exist, such arrest may be made and**
71 **notification shall be made to the chief of police or sheriff as**
72 **appropriate and as soon as practical. The chief of police or sheriff may**
73 **elect to work with the multijurisdictional Internet cyber crime law**
74 **enforcement task force at his or her option when such task force is**
75 **operating within the jurisdiction of such chief of police or sheriff.**

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

77 (1) The provisions of the new program authorized under this section shall

78 sunset automatically six years after June 5, 2006, unless reauthorized by an act
79 of the general assembly; and

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

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

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

✓

Bill

Copy