

SENATE BILL REPORT

SB 5215

As Reported by Senate Committee On:
Law & Justice, February 9, 2015
Ways & Means, February 27, 2015

Title: An act relating to establishing the Washington internet crimes against children account.

Brief Description: Establishing the Washington internet crimes against children account.

Sponsors: Senators Roach, Pedersen, Kohl-Welles, Baumgartner, Padden, Darneille, Keiser, Benton and O'Ban.

Brief History:

Committee Activity: Law & Justice: 1/26/15, 2/05/15 [DPS-WM]; 2/09/15 [DPS-WM].
Ways & Means: 2/25/15, 2/27/15 [DP2S].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 5215 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Aldo Melchiori (786-7439)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 5215 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Hill, Chair; Braun, Vice Chair; Dammeier, Vice Chair; Honeyford, Vice Chair, Capital Budget Chair; Hargrove, Ranking Member; Keiser, Assistant Ranking Member on the Capital Budget; Ranker, Ranking Minority Member, Operating; Bailey, Becker, Billig, Brown, Conway, Fraser, Hasegawa, Hatfield, Hewitt, Kohl-Welles, O'Ban, Padden, Parlette, Rolfes, Schoesler and Warnick.

Staff: Julie Murray (786-7711)

Background: The Internet Crimes Against Children Task Force Program (ICAC program) helps state and local law enforcement agencies develop an effective response to technology-

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facilitated child sexual exploitation and Internet crimes against children. This help encompasses forensic and investigative components, training and technical assistance, victim services, and community education.

The program was developed in response to the increasing number of children and teenagers using the Internet, the proliferation of child sexual abuse images available electronically, and heightened online activity by predators seeking unsupervised contact with potential underage victims. The Office of Juvenile and Delinquency Prevention (OJJDP) created the ICAC program under the authority of the fiscal year (FY) 1998 Justice Appropriations Act, Public Law 105–119. The Providing Resources, Officers, and Technology to Eradicate Cyber Threats to Our Children Act of 2008, P.L. 110-401, codified at 42 USC 17601, et seq., authorized the ICAC program through FY 2013.

The ICAC program is a national network of 61 coordinated task forces representing over 3500 federal, state, and local law enforcement and prosecutorial agencies. In Washington the ICAC is administered through the Seattle Police Department. These agencies are engaged in both proactive and reactive investigations, forensic investigations, and criminal prosecutions. By helping state and local agencies to develop effective, sustainable responses to online child victimization – including responses to the online sharing of child sexual abuse images, OJJDP has increased the capacity of thousands of communities across the country to combat Internet crimes against children.

Since the ICAC program's inception in 1998, more than 440,000 law enforcement officers, prosecutors, and other professionals have been trained on techniques to investigate and prosecute ICAC-related cases. Since 1998, ICAC Task Forces have reviewed more than 435,000 complaints of alleged child sexual victimization resulting in the arrest of more than 45,000 individuals.

In calendar year 2013, ICAC investigations contributed to the arrests of more than 7400 individuals, and task forces conducted over 60,098 forensic examinations. Additionally, the ICAC program trained over 30,000 law enforcement personnel, over 3500 prosecutors, and more than 5300 other professionals working in the ICAC field.

Unclaimed prizes in the state lottery account are retained in the state lottery fund for further use as prizes, except one-third of all unclaimed prize money is deposited in the economic development strategic reserve account and during the 2013-15 fiscal biennium, the Legislature may transfer to the education legacy trust account amounts as reflect the excess fund balance in the state lottery account from unclaimed prizes.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Second Substitute): The Washington ICAC account is created in custody of the state treasury. The account must be used exclusively by Washington ICAC and its affiliate agencies for combating Internet-facilitated crimes against children, promoting education on Internet safety to the public and to minors, and rescuing child victims from abuse and exploitation. Only the Criminal Justice Training Commission (CJTC) or the CJTC's designee may authorize expenditures from the account. The account is subject to allotment procedures, but an appropriation is not required for expenditures. The

Commission may enter into agreements with the Washington Association of Sheriffs and Police Chiefs to administer grants and other activities of the account and to be paid an administrative fee not to exceed 3 percent of expenditures.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute): Removes the \$2 million transfer of lottery unclaimed prizes into the account. Expenditures from the account must be authorized by the CJTC who may contract with the Washington Association of Sheriffs and Police Chiefs to manage grants and other activities funded by the account.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended First Substitute): The Washington Association of Sheriffs and Police Chiefs may deduct reasonable administrative costs not to exceed 3 percent of expenditures.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee (Law & Justice): PRO: Our laws need to keep pace with the crimes that are being committed. This is a more frequent occurrence because our children have greater access to the Internet. Between 2013 and the present year, the number of cybertips received by the Washington ICAC have more than doubled. Internet images are becoming more graphic and they live forever on the Internet. A stable source of funding is needed to provide more continuity in the program. Provision needs to be made for administrative costs.

OTHER: More money is needed for victim services as well and this should be included in the bill.

Persons Testifying (Law & Justice): PRO: Senator Roach, prime sponsor; Lee Reeves, WA Council of Police and Sheriffs; Joseph Bachholm, Family Policy Institute of WA; Captain Mike Edwards, Seattle Police Dept.; James McMahan, WA Assn. of Sheriffs & Police Chiefs.

OTHER: Andrea Piper Wentland, WA Coalition of Sexual Assault Programs.

Staff Summary of Public Testimony on Substitute as Passed by Law & Justice (Ways & Means): PRO: Law enforcement knows people are trading in child pornography with a large proportion of them infants and toddlers. The taskforce is underfunded and can respond to only 2 percent of leads. Unclaimed lottery prize money will provide sustainable funding for this program. There are horrific graphic images of sex acts and torture on children being trafficked. Our area is number one in the nation in trading child pornography and these funds will rescue victims.

Persons Testifying (Ways & Means): PRO: David Keith, Paul Jagosh, Protect.