

SECOND REGULAR SESSION

# HOUSE BILL NO. 1767

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ALLEN (Sponsor) AND FLANIGAN (Co-sponsor).

5888L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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Section A. Section 650.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 650.120, to read as follows: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

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

71           10. [Under section 23.253 of the Missouri sunset act:

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

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

78           (3) This section shall terminate on September first of the calendar year immediately  
79 following the calendar year in which the program authorized under this section is sunset] **This**  
80 **section shall expire on August 28, 2022.**

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