

SENATE BILL 864

E4, C7

(6lr2034)

ENROLLED BILL

— Judicial Proceedings/Appropriations —

Introduced by Senators Lee, Benson, ~~and Madaleno~~ Brochin, Cassilly, Hough, Madaleno, Muse, Ramirez, Raskin, Ready, and Zirkin

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Internet Crimes Against Children Task Force Fund –**
3 **Establishment**
4 **(Alicia’s Law)**

5 FOR the purpose of ~~requiring that each fiscal year a certain portion of unclaimed lottery~~
6 ~~prizes be distributed to the Internet Crimes Against Children Task Force Fund;~~
7 establishing the Internet Crimes Against Children Task Force Fund as a special,
8 nonlapsing fund; specifying the purpose of the Fund; requiring the Executive
9 Director of the Governor’s Office of Crime Control and Prevention to administer the
10 Fund; requiring the State Treasurer to hold the Fund and the Comptroller, in
11 conjunction with the Executive Director, to account for the Fund; specifying the
12 contents of the Fund; specifying the purpose for which the Fund may be used;
13 providing for the investment of money in and expenditures from the Fund; beginning
14 in a certain fiscal year, requiring the Governor to include in the annual budget bill

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 ~~an appropriation of not less than a certain amount to the Fund; requiring the~~
 2 ~~Executive Director to establish certain procedures for certain local law enforcement~~
 3 ~~agencies to apply for certain grants; requiring a certain applicant to provide the~~
 4 ~~Executive Director with certain information; requiring that the Fund be distributed~~
 5 ~~in a certain manner; requiring the Executive Director to make grants to local law~~
 6 ~~enforcement agencies for certain purposes based on certain needs; requiring a local~~
 7 ~~law enforcement agency that is awarded a grant to enter into a certain memorandum~~
 8 ~~of understanding; requiring a local law enforcement agency to submit proof of certain~~
 9 ~~grant expenditures to the Executive Director; exempting the Fund from a certain~~
 10 ~~provision of law requiring interest on State money in special funds to accrue to the~~
 11 ~~General Fund of the State; defining certain terms; and generally relating to the~~
 12 ~~establishment and use of the Internet Crimes Against Children Task Force Fund.~~

13 BY adding to

14 Article – Public Safety

15 Section 4–601 through 4–603 to be under the new subtitle “Subtitle 6. Internet
 16 Crimes Against Children Task Force Fund”

17 Annotated Code of Maryland

18 (2011 Replacement Volume and 2015 Supplement)

19 BY repealing and reenacting, without amendments,

20 Article – State Finance and Procurement

21 Section 6–226(a)(2)(i)

22 Annotated Code of Maryland

23 (2015 Replacement Volume)

24 BY repealing and reenacting, with amendments,

25 Article – State Finance and Procurement

26 Section 6–226(a)(2)(ii)84. and 85.

27 Annotated Code of Maryland

28 (2015 Replacement Volume)

29 BY adding to

30 Article – State Finance and Procurement

31 Section 6–226(a)(2)(ii)86.

32 Annotated Code of Maryland

33 (2015 Replacement Volume)

34 ~~BY repealing and reenacting, with amendments,~~

35 ~~Article – State Government~~

36 ~~Section 9–122(f)~~

37 ~~Annotated Code of Maryland~~

38 ~~(2014 Replacement Volume and 2015 Supplement)~~

39 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

40 That the Laws of Maryland read as follows:

Article – Public Safety

SUBTITLE 6. INTERNET CRIMES AGAINST CHILDREN TASK FORCE FUND.

4-601.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “EXECUTIVE DIRECTOR” MEANS THE EXECUTIVE DIRECTOR OF THE GOVERNOR’S OFFICE OF CRIME CONTROL AND PREVENTION.

(C) “FUND” MEANS THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE FUND.

(D) “LOCAL LAW ENFORCEMENT AGENCY” MEANS AN AGENCY OF A COUNTY OR MUNICIPAL CORPORATION IN THE STATE THAT PERFORMS POLICE PROTECTION FUNCTIONS.

(E) “TASK FORCE” MEANS THE MARYLAND INTERNET CRIMES AGAINST CHILDREN TASK FORCE ESTABLISHED BY THE DEPARTMENT OF STATE POLICE.

4-602.

(A) THERE IS AN INTERNET CRIMES AGAINST CHILDREN TASK FORCE FUND.

(B) THE PURPOSE OF THE FUND IS TO PROVIDE:

(1) GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES FOR SALARIES, TRAINING, AND EQUIPMENT TO BE USED FOR THE INVESTIGATION AND PROSECUTION OF INTERNET CRIMES AGAINST CHILDREN; AND

(2) FUNDING TO SUPPORT THE ONGOING OPERATIONS OF THE TASK FORCE.

(C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN CONJUNCTION WITH THE EXECUTIVE DIRECTOR.

1 (E) THE FUND CONSISTS OF:

2 (1) ~~REVENUE DISTRIBUTED TO THE FUND UNDER § 9-122 OF THE~~
 3 ~~STATE GOVERNMENT ARTICLE;~~

4 ~~(2)~~ MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

5 ~~(3)~~ (2) INTEREST EARNINGS OF THE FUND; AND

6 ~~(4)~~ (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED
 7 FOR THE BENEFIT OF THE FUND.

8 (F) THE FUND SHALL BE DISTRIBUTED ON THE BASIS OF NEED, AS
 9 DETERMINED BY THE EXECUTIVE DIRECTOR, IN THE FOLLOWING MANNER:

10 (1) ~~40% OF THE MONEY IN THE FUND~~ FOR GRANTS TO LOCAL LAW
 11 ENFORCEMENT AGENCIES FOR SALARIES, TRAINING, AND EQUIPMENT TO BE USED
 12 FOR THE INVESTIGATION AND PROSECUTION OF INTERNET CRIMES AGAINST
 13 CHILDREN; ~~AND~~

14 (2) ~~60% OF THE MONEY IN THE FUND TO BE DISTRIBUTED~~ TO THE
 15 TASK FORCE TO SUPPORT THE ONGOING OPERATIONS OF THE TASK FORCE; AND

16 (3) IN AN AMOUNT NOT GREATER THAN 25% OF THE FUND, TO CHILD
 17 ADVOCACY CENTERS, AS ESTABLISHED UNDER § 11-923(H) OF THE CRIMINAL
 18 PROCEDURE ARTICLE.

19 (G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND
 20 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

21 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
 22 THE FUND.

23 (H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE
 24 WITH THE STATE BUDGET.

25 (I) FOR FISCAL YEAR 2018 AND EACH FISCAL YEAR THEREAFTER, THE
 26 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF
 27 NOT LESS THAN \$2,000,000 TO THE FUND.

28 ~~(J)~~ (J) THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE
 29 SUBJECT TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE
 30 STATE GOVERNMENT ARTICLE.

1 4-603.

2 ~~(A) THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR~~
3 ~~LOCAL LAW ENFORCEMENT AGENCIES TO APPLY FOR GRANTS FROM THE FUND.~~

4 ~~(B) AN APPLICANT SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH ANY~~
5 ~~INFORMATION THE EXECUTIVE DIRECTOR CONSIDERS NECESSARY TO MAKE~~
6 ~~GRANTS FOR SALARIES, TRAINING, AND EQUIPMENT TO BE USED FOR THE~~
7 ~~INVESTIGATION AND PROSECUTION OF INTERNET CRIMES AGAINST CHILDREN.~~

8 ~~(C) IN ACCORDANCE WITH THE STATE BUDGET, THE EXECUTIVE DIRECTOR~~
9 ~~SHALL MAKE GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES FOR SALARIES,~~
10 ~~TRAINING, AND EQUIPMENT TO BE USED FOR THE INVESTIGATION AND~~
11 ~~PROSECUTION OF INTERNET CRIMES AGAINST CHILDREN BASED ON THE~~
12 ~~COMPARATIVE NEEDS OF EACH LOCAL LAW ENFORCEMENT AGENCY AS~~
13 ~~DETERMINED FROM THE INFORMATION PROVIDED UNDER SUBSECTION (B) OF THIS~~
14 ~~SECTION.~~

15 ~~(D)~~ (A) BEFORE THE DISTRIBUTION OF GRANT FUNDS, GRANT
16 RECIPIENTS SHALL EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE TASK
17 FORCE AND AGREE TO WORK WITH THE TASK FORCE, ABIDING BY TASK FORCE
18 GUIDELINES AND PROTOCOLS RELATED TO THE INVESTIGATION AND PROSECUTION
19 OF INTERNET CRIMES AGAINST CHILDREN.

20 ~~(E)~~ (B) AFTER RECEIVING A GRANT AWARD, THE LOCAL LAW
21 ENFORCEMENT AGENCY SHALL SUBMIT A REPORT DETAILING THE USE OF GRANT
22 EXPENDITURES TO THE EXECUTIVE DIRECTOR.

23 **Article – State Finance and Procurement**

24 6-226.

25 (a) (2) (i) Notwithstanding any other provision of law, and unless
26 inconsistent with a federal law, grant agreement, or other federal requirement or with the
27 terms of a gift or settlement agreement, net interest on all State money allocated by the
28 State Treasurer under this section to special funds or accounts, and otherwise entitled to
29 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
30 Fund of the State.

31 (ii) The provisions of subparagraph (i) of this paragraph do not apply
32 to the following funds:

33 84. the Economic Development Marketing Fund; [and]

1 85. the Military Personnel and Veteran-Owned Small
2 Business No-Interest Loan Fund; AND

3 86. THE INTERNET CRIMES AGAINST CHILDREN TASK
4 FORCE FUND.

5 ~~Article State Government~~

6 ~~9-122.~~

7 ~~(f) (1) A prize winner shall claim a prize within 182 days after the drawing in~~
8 ~~which the prize is won.~~

9 ~~(2) Except as provided in paragraph (3) of this subsection, the Director~~
10 ~~shall keep an unclaimed prize]:~~

11 ~~(i)] for 182 days after the drawing in which the prize is won, for~~
12 ~~payment of the winner]; and~~

13 ~~(ii) then in an unclaimed prize fund for use for other prizes].~~

14 ~~(3) For a game that the Agency designates as a bonus game or drawing and~~
15 ~~that is not a daily or weekly State lottery drawing, the period for claiming a prize may differ~~
16 ~~from the period set in paragraph (2) of this subsection.~~

17 ~~(4) FOLLOWING THE EXPIRATION OF THE TIME PERIOD UNDER~~
18 ~~PARAGRAPH (2) OF THIS SUBSECTION, UNCLAIMED PRIZES SHALL BE DISTRIBUTED~~
19 ~~AS FOLLOWS:~~

20 ~~(I) EACH FISCAL YEAR THE FIRST \$3,000,000 IN UNCLAIMED~~
21 ~~PRIZES SHALL BE DISTRIBUTED TO THE INTERNET CRIMES AGAINST CHILDREN~~
22 ~~TASK FORCE FUND ESTABLISHED UNDER TITLE 4, SUBTITLE 6 OF THE PUBLIC~~
23 ~~SAFETY ARTICLE; AND~~

24 ~~(II) THE REMAINDER OF UNCLAIMED PRIZES SHALL BE~~
25 ~~DISTRIBUTED TO AN UNCLAIMED PRIZE FUND FOR USE FOR OTHER PRIZES.~~

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
27 1, 2016.