

SENATE BILL 864

E4, C7

6lr2034
CF HB 1490

By: Senators Lee, Benson, and Madaleno Brochin, Cassilly, Hough, Madaleno, Muse, Ramirez, Raskin, Ready, and Zirkin

Introduced and read first time: February 5, 2016

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

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
15 an appropriation to the Fund; requiring the Executive Director to establish certain
16 ~~procedures for certain local law enforcement agencies to apply for certain grants;~~
17 ~~requiring a certain applicant to provide the Executive Director with certain~~
18 ~~information;~~ requiring that the Fund be distributed in a certain manner; ~~requiring~~
19 ~~the Executive Director to make grants to local law enforcement agencies for certain~~
20 ~~purposes based on certain needs;~~ requiring a local law enforcement agency that is
21 awarded a grant to enter into a certain memorandum of understanding; requiring a
22 local law enforcement agency to submit proof of certain grant expenditures to the
23 Executive Director; exempting the Fund from a certain provision of law requiring
24 interest on State money in special funds to accrue to the General Fund of the State;

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.



1 defining certain terms; and generally relating to the establishment and use of the
2 Internet Crimes Against Children Task Force Fund.

3 BY adding to
4 Article – Public Safety
5 Section 4–601 through 4–603 to be under the new subtitle “Subtitle 6. Internet
6 Crimes Against Children Task Force Fund”
7 Annotated Code of Maryland
8 (2011 Replacement Volume and 2015 Supplement)

9 BY repealing and reenacting, without amendments,
10 Article – State Finance and Procurement
11 Section 6–226(a)(2)(i)
12 Annotated Code of Maryland
13 (2015 Replacement Volume)

14 BY repealing and reenacting, with amendments,
15 Article – State Finance and Procurement
16 Section 6–226(a)(2)(ii)84. and 85.
17 Annotated Code of Maryland
18 (2015 Replacement Volume)

19 BY adding to
20 Article – State Finance and Procurement
21 Section 6–226(a)(2)(ii)86.
22 Annotated Code of Maryland
23 (2015 Replacement Volume)

24 ~~BY repealing and reenacting, with amendments,~~
25 ~~Article – State Government~~
26 ~~Section 9–122(f)~~
27 ~~Annotated Code of Maryland~~
28 ~~(2014 Replacement Volume and 2015 Supplement)~~

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
30 That the Laws of Maryland read as follows:

31 **Article – Public Safety**

32 **SUBTITLE 6. INTERNET CRIMES AGAINST CHILDREN TASK FORCE FUND.**

33 **4–601.**

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

1 (B) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE
2 GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION.

3 (C) "FUND" MEANS THE INTERNET CRIMES AGAINST CHILDREN TASK
4 FORCE FUND.

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

8 (E) "TASK FORCE" MEANS THE MARYLAND INTERNET CRIMES AGAINST
9 CHILDREN TASK FORCE ESTABLISHED BY THE DEPARTMENT OF STATE POLICE.

10 4-602.

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

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

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

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

19 (C) THE EXECUTIVE DIRECTOR SHALL ADMINISTER THE FUND.

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

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

25 (E) THE FUND CONSISTS OF:

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

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

29 ~~(3)~~ (2) INTEREST EARNINGS OF THE FUND; AND

1 ~~(4)~~ (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED
2 FOR THE BENEFIT OF THE FUND.

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

5 (1) ~~40% OF THE MONEY IN THE FUND~~ FOR GRANTS TO LOCAL LAW
6 ENFORCEMENT AGENCIES FOR SALARIES, TRAINING, AND EQUIPMENT TO BE USED
7 FOR THE INVESTIGATION AND PROSECUTION OF INTERNET CRIMES AGAINST
8 CHILDREN; ~~AND~~

9 (2) ~~60% OF THE MONEY IN THE FUND TO BE DISTRIBUTED~~ TO THE
10 TASK FORCE TO SUPPORT THE ONGOING OPERATIONS OF THE TASK FORCE; AND

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

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

16 (2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO
17 THE FUND.

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

20 (I) FOR FISCAL YEAR 2018 AND EACH FISCAL YEAR THEREAFTER, THE
21 GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION TO
22 THE FUND.

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

26 4-603.

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

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

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

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

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

Article – State Finance and Procurement

6–226.

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

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

84. the Economic Development Marketing Fund; [and]

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

86. THE INTERNET CRIMES AGAINST CHILDREN TASK FORCE FUND.

~~Article – State Government~~

~~9–122.~~

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.