

HOUSE BILL 1490

E4, C7

6lr1965
CF SB 864

By: **Delegates Lierman and Morales**

Introduced and read first time: February 12, 2016

Assigned to: Appropriations

A BILL ENTITLED

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; requiring
14 the Executive Director to establish certain procedures for certain local law
15 enforcement agencies to apply for certain grants; requiring a certain applicant to
16 provide the Executive Director with certain information; requiring that the Fund be
17 distributed in a certain manner; requiring the Executive Director to make grants to
18 local law enforcement agencies for certain purposes based on certain needs; requiring
19 a local law enforcement agency that is awarded a grant to enter into a certain
20 memorandum of understanding; requiring a local law enforcement agency to submit
21 proof of certain grant expenditures to the Executive Director; exempting the Fund
22 from a certain provision of law requiring interest on State money in special funds to
23 accrue to the General Fund of the State; defining certain terms; and generally
24 relating to the establishment and use of the Internet Crimes Against Children Task
25 Force Fund.

26 BY adding to
27 Article – Public Safety
28 Section 4–601 through 4–603 to be under the new subtitle “Subtitle 6. Internet
29 Crimes Against Children Task Force Fund”
30 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2011 Replacement Volume and 2015 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – State Finance and Procurement
4 Section 6–226(a)(2)(i)
5 Annotated Code of Maryland
6 (2015 Replacement Volume)

7 BY repealing and reenacting, with amendments,
8 Article – State Finance and Procurement
9 Section 6–226(a)(2)(ii)84. and 85.
10 Annotated Code of Maryland
11 (2015 Replacement Volume)

12 BY adding to
13 Article – State Finance and Procurement
14 Section 6–226(a)(2)(ii)86.
15 Annotated Code of Maryland
16 (2015 Replacement Volume)

17 BY repealing and reenacting, with amendments,
18 Article – State Government
19 Section 9–122(f)
20 Annotated Code of Maryland
21 (2014 Replacement Volume and 2015 Supplement)

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

24 **Article – Public Safety**

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

26 **4–601.**

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

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

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

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

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

6 4-602.

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

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

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

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

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

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

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

21 (E) THE FUND CONSISTS OF:

22 (1) REVENUE DISTRIBUTED TO THE FUND UNDER § 9-122 OF THE
23 STATE GOVERNMENT ARTICLE;

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

25 (3) INTEREST EARNINGS OF THE FUND; AND

26 (4) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
27 THE BENEFIT OF THE FUND.

28 (F) THE FUND SHALL BE DISTRIBUTED IN THE FOLLOWING MANNER:

1 **(1) 40% OF THE MONEY IN THE FUND FOR GRANTS TO LOCAL LAW**
2 **ENFORCEMENT AGENCIES FOR SALARIES, TRAINING, AND EQUIPMENT TO BE USED**
3 **FOR THE INVESTIGATION AND PROSECUTION OF INTERNET CRIMES AGAINST**
4 **CHILDREN; AND**

5 **(2) 60% OF THE MONEY IN THE FUND TO BE DISTRIBUTED TO THE**
6 **TASK FORCE TO SUPPORT THE ONGOING OPERATIONS OF THE TASK FORCE.**

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

9 **(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO**
10 **THE FUND.**

11 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE**
12 **WITH THE STATE BUDGET.**

13 **(I) THE ACCOUNTS AND TRANSACTIONS OF THE FUND SHALL BE SUBJECT**
14 **TO AUDIT BY THE LEGISLATIVE AUDITOR AS PROVIDED IN § 2-1220 OF THE STATE**
15 **GOVERNMENT ARTICLE.**

16 **4-603.**

17 **(A) THE EXECUTIVE DIRECTOR SHALL ESTABLISH PROCEDURES FOR**
18 **LOCAL LAW ENFORCEMENT AGENCIES TO APPLY FOR GRANTS FROM THE FUND.**

19 **(B) AN APPLICANT SHALL PROVIDE THE EXECUTIVE DIRECTOR WITH ANY**
20 **INFORMATION THE EXECUTIVE DIRECTOR CONSIDERS NECESSARY TO MAKE**
21 **GRANTS FOR SALARIES, TRAINING, AND EQUIPMENT TO BE USED FOR THE**
22 **INVESTIGATION AND PROSECUTION OF INTERNET CRIMES AGAINST CHILDREN.**

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

30 **(D) BEFORE THE DISTRIBUTION OF GRANT FUNDS, GRANT RECIPIENTS**
31 **SHALL EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE TASK FORCE AND**
32 **AGREE TO WORK WITH THE TASK FORCE, ABIDING BY TASK FORCE GUIDELINES AND**

1 **PROTOCOLS RELATED TO THE INVESTIGATION AND PROSECUTION OF INTERNET**
2 **CRIMES AGAINST CHILDREN.**

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

6 **Article – State Finance and Procurement**

7 6–226.

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

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

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

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

19 **86. THE INTERNET CRIMES AGAINST CHILDREN TASK**
20 **FORCE FUND.**

21 **Article – State Government**

22 9–122.

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

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

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

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

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

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

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

11 (II) **THE REMAINDER OF UNCLAIMED PRIZES SHALL BE**
12 **DISTRIBUTED TO AN UNCLAIMED PRIZE FUND FOR USE FOR OTHER PRIZES.**

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
14 1, 2016.