

HB 653-FN-A – AS INTRODUCED

2013 SESSION

13-0306  
04/10

HOUSE BILL            **653-FN-A**

AN ACT                relative to funding law enforcement prosecution of Internet crimes against children.

SPONSORS:            Rep. Pantelakos, Rock 25; Rep. Chandley, Hills 22

COMMITTEE:          Criminal Justice and Public Safety

---

ANALYSIS

This bill establishes the Internet crimes against children fund and requires courts to impose an additional fee of \$10 for every conviction for an offense against a child. The fund shall be administered by the attorney general and distributed to the Internet crimes against children taskforce.

-----

Explanation:          Matter added to current law appears in ***bold italics***.  
                                Matter removed from current law appears [~~in brackets and struck through~~].  
                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT relative to funding law enforcement prosecution of Internet crimes against children.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Legislative Findings. The general court hereby finds and declares the following:

2 I. The Internet has given our children unprecedented access to the world, but it has also  
3 given the world unprecedented access to our children. Sexual predators are now using the Internet  
4 to find, communicate with, and prey upon children and teens, putting hundreds of thousands of  
5 New Hampshire children at risk.

6 II. The Internet has facilitated the growth of a multi-billion dollar global market for images  
7 of children being sexually displayed, raped, and tortured. Research by the U.S. Department of  
8 Justice and the National Center for Missing and Exploited Children indicates that 83 percent of  
9 individuals arrested for possession of child pornography have images of children 6-12 years old, and  
10 80 percent have images of children being sexually penetrated. Over 20 percent have images  
11 depicting children bound, gagged, blindfolded, or “otherwise enduring sadistic sex.” Only one percent  
12 restricted their collections to images of simple child nudity.

13 III. Investigation and prosecution of online enticement and child pornography requires  
14 highly specialized investigation skills and training.

15 IV. In New Hampshire and nationally, child exploitation investigators are overwhelmed,  
16 lacking the personnel and resources to investigate the vast majority of known crimes. Nationally,  
17 federal, state, and local law enforcement authorities estimate just 2 percent of leads can be  
18 investigated. Forensic analysis capacity is so limited that investigators often wait as long as 8  
19 months to have a computer hard drive analyzed, further reducing the number of cases that can be  
20 investigated and prosecuted.

21 V. Child pornography and online child enticement crimes have among the highest conviction  
22 rates of any child sexual offense, and research indicates that 55-80 percent of child pornography  
23 offenders have committed direct sexual contact offenses against children. Investigating and  
24 prosecuting these predators is thus one of the most concrete and measurable strategies for the  
25 prevention of future child sexual abuse.

26 2 New Chapter; Prosecution of Internet Crimes Against Children. Amend RSA by inserting  
27 after chapter 651-F the following new chapter:

28 CHAPTER 651-G

29 PROSECUTION OF INTERNET CRIMES AGAINST CHILDREN

30 651-G:1 Definitions. In this chapter:

**HB 653-FN-A – AS INTRODUCED**

**- Page 2 -**

1 I. “Fund” means the Internet crimes against children (ICAC) fund established in this  
2 chapter.

3 II. “Offense against a child” means the following offenses, including an accomplice to, or an  
4 attempt, conspiracy, or solicitation to commit, any of the following offense where the victim was  
5 under the age of 18 at the time of the offense:

6 (a) Aggravated felonious sexual assault pursuant to RSA 632-A:2.

7 (b) Felonious sexual assault pursuant to RSA 632-A:3.

8 (c) Sexual assault pursuant to RSA 632-A:4.

9 (d) Kidnapping pursuant to RSA 633:1.

10 (e) Criminal restraint pursuant to RSA 633:2.

11 (f) False imprisonment pursuant to RSA 633:3.

12 (g) Incest pursuant to RSA 639:2.

13 (g) Violation of privacy pursuant to RSA 644:9.

14 (h) Indecent exposure and lewdness pursuant to RSA 645:1.

15 (i) Prostitution pursuant to RSA 645:2.

16 (j) Intentional contribution to the delinquency of a minor pursuant to RSA 169-B:41.

17 (k) Endangering the welfare of a child pursuant to RSA 639:3.

18 (l) Possession of child sexual abuse images pursuant to RSA 649-A.

19 (m) Distribution of child sexual abuse images pursuant to RSA 649-A:3-a.

20 (n) Manufacture of child sexual abuse images pursuant to RSA 649-A:3-b.

21 (o) Computer pornography pursuant to RSA 649-B.

22 (p) Certain uses of computer services prohibited pursuant to RSA 649-B.

23 (q) Obscene matter pursuant to RSA 650.

24 651-G:2 Internet Crimes Against Children Fund. There is established in the office of the state  
25 treasurer the Internet crimes against children (ICAC) fund to be administered by the attorney  
26 general. The fund shall be kept distinct and separate from all other funds. The fund shall consist of  
27 all fees collected pursuant to this chapter, any state funds which may be appropriated, and all gifts,  
28 grants, or donations from any source. All moneys in the fund shall be nonlapsing and continually  
29 appropriated to the attorney general for the purposes of this chapter. The treasurer shall invest the  
30 fund in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the fund.

31 651-G:3 Court Cost Assessed. The court shall assess and collect an additional fee of \$10 as court  
32 costs for each conviction for an offense against a child. The court shall forward all moneys collected  
33 pursuant to this section to the state treasurer for deposit into the Internet crimes against children  
34 fund established in RSA 651-G:2.

35 651-G:4 Distribution of Funds. The attorney general shall disburse available funds to the  
36 New Hampshire Internet crimes against children taskforce for the training of investigators and

**HB 653-FN-A – AS INTRODUCED**  
**- Page 3 -**

1 prosecutors, the acquisition of necessary equipment, and the support of other enforcement-related  
2 initiatives of the taskforce.

3 651-G:5 Rulemaking. The attorney general shall adopt rules, pursuant to RSA 541-A, relative  
4 to procedures necessary for the collection and distribution of funds under this chapter.

5 3 New Subparagraph; Application of Receipts; Internet Crimes Against Children Fund. Amend  
6 RSA 6:12, I(b) by inserting after subparagraph (310) the following new subparagraph:

7 (311) Moneys deposited into the Internet crimes against children fund established in  
8 RSA 651-G:2.

9 4 Effective Date. This act shall take effect July 1, 2013.

**HB 653 FISCAL NOTE**

AN ACT                   relative to funding law enforcement prosecution of Internet crimes against children.

**FISCAL IMPACT:**

The Department of Justice states this bill, as introduced, will increase state restricted revenue by \$8,000 in FY 2014 and each year thereafter. There will be no fiscal impact on state, county and local expenditures or county and local revenue

The Office of Legislative Budget Assistant is awaiting information from the Judicial Branch relative to the potential fiscal impact of this bill. The Branch was initially contacted on 01/11/13 and most recently contacted on 08/23/13.

**METHODOLOGY:**

The Department of Justice states this bill establishes the Internet crimes against children fund to be administered by the Department and requires the courts to impose an additional of \$10 for every conviction for an offense against a child. The Department states it is able to administer this fund within its existing budget. The Department states, based on Department of Safety's data, there were 727 convictions in 2011 and 796 in FY 2012. Using this data, the Department estimates this bill will generate \$8,000 of revenue to the Internet crimes against children fund each year.