

JAN 22 2016

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# A BILL FOR AN ACT

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RELATING TO ASSESSMENT OF THE INTERNET CRIMES AGAINST CHILDREN  
FEE AGAINST CRIMINAL DEFENDANTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that Act 115, Session  
2 Laws of Hawaii 2014, sought to more effectively combat internet  
3 crimes against children by enacting "Alicia's Law," which is  
4 codified as chapter 846F, Hawaii Revised Statutes. Alicia's Law  
5 established an internet crimes against children fee that was  
6 intended to be assessed against every defendant convicted of a  
7 misdemeanor or felony unless the court determined that the  
8 defendant was unable to pay the fee.

9       The purpose of this Act is to clarify that the internet  
10 crimes against children fee is to be assessed against every  
11 defendant who is convicted of a misdemeanor or felony regardless  
12 of the nature of the offense, except where the court has  
13 determined that the defendant is unable to pay the fee.

14       SECTION 2. Chapter 706, Hawaii Revised Statutes, is  
15 amended by adding a new section to part III to be appropriately  
16 designated and to read as follows:



1       "§706-       Internet crimes against children fee; special  
2 fund.   (1) This section shall be known as and may be cited as  
3 "Alicia's Law".

4       (2) For each felony or misdemeanor conviction of any  
5 offense, the court shall order the defendant to pay an internet  
6 crimes against children fee of up to \$100 regardless of the  
7 nature of the offense of which the defendant was convicted;  
8 provided that no fee shall be ordered when the court determines  
9 that the defendant is unable to pay the fee.

10       (3) When a defendant is ordered to pay a fine, make  
11 restitution, pay a crime victim compensation fee, or pay other  
12 fees in addition to the internet crimes against children fee,  
13 payments by the defendant shall be made in the order of priority  
14 established under section 706-648.

15       (4) The defendant shall pay the internet crimes against  
16 children fee to the clerk of the court. The fee shall be  
17 deposited with the director of finance who shall transmit the  
18 fee to the internet crimes against children special fund  
19 pursuant to subsection (5).



1        (5) There is established in the state treasury the  
2 internet crimes against children special fund, into which shall  
3 be deposited:

4        (a) All fees collected pursuant to this section;

5        (b) Moneys appropriated by the legislature to the fund;

6        (c) Other grants and gifts made to the fund; and

7        (d) Any income and capital gains earned by the fund.

8        (6) Moneys in the internet crimes against children special  
9 fund shall be expended by the department of the attorney general  
10 for the following purposes:

11       (a) To provide training and equipment for local law  
12 enforcement agencies to use in investigating and  
13 prosecuting internet crimes against children,  
14 including funding to increase the forensic capacity of  
15 digital evidence;

16       (b) To enable law enforcement to investigate and prosecute  
17 internet crimes against children; and

18       (c) To assist groups working directly to combat internet  
19 crimes against children.

20       For the purposes of this subsection, "internet crimes  
21 against children" means promoting child abuse in the first



1 degree under section 707-750, promoting child abuse in the  
2 second degree under section 707-751, promoting child abuse in  
3 the third degree under section 707-752, electronic enticement of  
4 a child in the first degree under section 707-756, electronic  
5 enticement of a child in the second degree under section 707-  
6 757, indecent electronic display to a child under section 707-  
7 759, or promoting pornography for minors under section 712-1215.

8 (7) All unexpended and unencumbered moneys remaining in  
9 the internet crimes against children special fund at the close  
10 of each fiscal year that are deemed, by the director of finance,  
11 to be in excess of the moneys necessary to carry out the purpose  
12 of this section over the following fiscal year shall lapse to  
13 the credit of the state general fund."

14 SECTION 3. Chapter 846F, Hawaii Revised Statutes, is  
15 repealed.

16 SECTION 4. All unencumbered moneys in the internet crimes  
17 against children special fund established pursuant to section  
18 846E-4, Hawaii Revised Statutes, existing on the close of  
19 business on June 30, 2016, shall be transferred to the special  
20 fund established pursuant to section 2 of this Act on July 1,  
21 2016.



1 SECTION 5. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 6. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 2016.

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# S.B. NO. 2202

**Report Title:**

Internet Crimes Against Children Fee

**Description:**

Clarifies that the internet crimes against children fee is to be assessed against every defendant who is convicted of a misdemeanor or felony regardless of the nature of the offense.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

