

AMENDED IN SENATE MAY 2, 2007  
AMENDED IN SENATE APRIL 9, 2007

**SENATE BILL**

**No. 590**

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**Introduced by Senator ~~Battin~~ Senators *Battin and Romero***  
*(Coauthor: Assembly Member Galgiani)*

February 22, 2007

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An act to add Title 9 (commencing with Section 14090) to the Penal Code, relating to child exploitation, ~~and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 590, as amended, Battin. Child sexual exploitation: Internet.

Existing law establishes the Statewide Sexual Predator Apprehension Team within the California Bureau of Investigation to investigate, target, and monitor chronic repeat violent sex offenders.

~~This bill would appropriate \$20,000,000 to fund statewide Internet Crimes Against Children task forces to investigate and prosecute Internet-related child sexual exploitation offenses for 5 years, as specified.~~

*This bill would create the California Internet Crimes Against Children Task Force Competitive Grant Program, to be administered by the Office of Emergency Services, as specified. Funding for the grants would be subject to annual appropriation by the Legislature. This bill would require the grants to be used to develop new and support existing Internet Crimes Against Children task forces within California, as specified.*

Vote:  $\frac{2}{3}$ -majority. Appropriation: ~~yes-no~~. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. In order to reduce the rate of child pornography*  
2 *and online activity by adults searching for unsupervised and illegal*  
3 *contact with underage victims in California, it is the intent of the*  
4 *Legislature that grants shall be provided to develop new and*  
5 *support existing Internet Crimes Against Children (ICAC) task*  
6 *forces in California. Grants will be awarded on a competitive*  
7 *basis to state and local law enforcement agencies that develop*  
8 *and implement a comprehensive, multiagency plan that enhances*  
9 *their investigative response to offenders who use the Internet,*  
10 *online communication systems, or other computer technology to*  
11 *sexually exploit children.*

12     *SEC. 2. This act shall be known and may be cited as the*  
13 *California Internet Crimes Against Children Task Force*  
14 *Competitive Grant Program.*

15  
16     *SEC. 3. Title 9 (commencing with Section 14090) is added to*  
17 *the Penal Code, to read:*

18  
19             *TITLE 9. CALIFORNIA INTERNET CRIMES AGAINST*  
20 *CHILDREN TASK FORCE COMPETITIVE GRANT PROGRAM*  
21

22     *14090. The California Internet Crimes Against Children Task*  
23 *Force Competitive Grant Program shall be administered by the*  
24 *Office of Emergency Services for the purpose of reducing the rate*  
25 *of child pornography and online activity by adults searching for*  
26 *unsupervised and illegal contact with underage victims in*  
27 *California. This program shall award grants on a competitive*  
28 *basis to state and local law enforcement agencies that develop*  
29 *and implement a comprehensive, multiagency plan that enhances*  
30 *their investigative responses to persons who use the Internet, online*  
31 *communication systems, or other computer technology to sexually*  
32 *exploit children.*

33     *14091. To be eligible for this grant, each applicant shall be*  
34 *required to submit an assessment of existing law enforcement*  
35 *resources which specifically target persons who use the Internet,*  
36 *online communication systems, or other computer technology to*  
37 *sexually exploit children. In addition, each applicant shall identify*  
38 *a proposed system for collecting data demonstrating outcome*

1 *measures which shall include, but not be limited to, each of the*  
2 *following:*

3 *(a) The development and implementation of forensic and*  
4 *investigative components to promote the purposes of this program.*

5 *(b) The development and implementation of training and*  
6 *technical assistance.*

7 *(c) The identification of available victim services.*

8 *(d) The development and implementation of community*  
9 *education designed to reduce the incidence of child pornography*  
10 *and the use of the Internet, online communication systems, or other*  
11 *computer technology to sexually exploit children.*

12 *14092. The Office of Emergency Services shall award grants*  
13 *that provide funding for this program. Funding shall be used to*  
14 *supplement, rather than supplant, existing programs. No grant*  
15 *shall be awarded unless the applicant makes available resources*  
16 *in an amount equal to at least 25 percent of the amount of the*  
17 *grant. Resources may include in-kind contributions from*  
18 *participating agencies. In awarding grants, priority shall be given*  
19 *to those proposals which include additional funding that exceeds*  
20 *25 percent of the amount of the grant.*

21 *14093. All funds awarded pursuant to this title shall be used*  
22 *for investigating and prosecuting online sexual exploitation of*  
23 *children, including activities that directly support the investigations*  
24 *and prosecutions, and not for other computer-related crimes.*

25 *14094. The Office of Emergency Services shall establish*  
26 *minimum standards, funding schedules, and procedures for*  
27 *awarding grants, which shall take into consideration, but not be*  
28 *limited to, all of the following:*

29 *(a) Demonstrated ability to administer the program.*

30 *(b) Demonstrated ability to develop and implement the data*  
31 *collection necessary for the outcome measures set forth in Section*  
32 *14091.*

33 *(c) Demonstrated ability to implement a plan that provides a*  
34 *comprehensive, multiagency plan that enhances investigative*  
35 *responses to persons who use the Internet, online communication*  
36 *systems, or other computer technology to sexually exploit children.*

37 *(d) Demonstrated history of maximizing federal, state, local,*  
38 *and private funding sources.*

39 *(e) Likelihood that the program will continue to operate after*  
40 *state grant funding ends.*

1 14095. All funds awarded pursuant to this title shall be used  
2 in compliance with national ICAC operational guidelines or  
3 protocols for the investigation of child exploitation crimes. The  
4 Office of Emergency Services shall consult with the Office of  
5 Juvenile Justice and Delinquency Prevention of the United States  
6 Department of Justice and with existing California ICAC programs,  
7 to identify the guidelines and protocols.

8 14096. The Office of Emergency Services, in consultation with  
9 the Office of Juvenile Justice and Delinquency Prevention of the  
10 United States Department of Justice, shall create an evaluation  
11 design for the California Internet Crimes Against Children Task  
12 Force Competitive Grant Program that will assess the effectiveness  
13 of the program. The office shall develop an interim report to be  
14 submitted to the Legislature within 18 months of the appropriation  
15 of moneys to fund this title as described in Section 14098, and a  
16 final analysis of the grant program in a report to be submitted to  
17 the Legislature no later than 18 months thereafter.

18 14097. Nothing in these provisions shall be construed to be in  
19 contravention of the requirements of the ICAC Task Force Program  
20 funded under Title IV of the Juvenile Justice and Delinquency  
21 Prevention Act of 1974, as amended.

22 14098. Funding for the California Internet Crimes Against  
23 Children Task Force Competitive Grant Program authorized by  
24 this title shall be subject to an appropriation made in the annual  
25 Budget Act.

26 ~~SECTION 1. The Legislature hereby finds and declares the~~  
27 ~~following:~~

28 ~~(a) The Internet has facilitated the growth of a multibillion dollar~~  
29 ~~global market for images of children being sexually displayed or~~  
30 ~~raped and tortured, forcing growing numbers of children into~~  
31 ~~modern-day sexual slavery.~~

32 ~~(b) Research by the United States Department of Justice and~~  
33 ~~the National Center for Missing and Exploited Children indicates~~  
34 ~~the following about individuals arrested for possession of child~~  
35 ~~pornography: 83 percent had images of children 6 to 12 years old;~~  
36 ~~80 percent had images of children being sexually penetrated; 21~~  
37 ~~percent had images depicting children bound, gagged, blindfolded~~  
38 ~~or “otherwise enduring sadistic sex”; and only 1 percent restricted~~  
39 ~~their collecting to images of simple child nudity.~~

1 ~~(e) Millions of California children and teens are at risk online~~  
2 ~~from sexual predators hunting, stalking, and luring minors.~~

3 ~~(d) The explosion of child pornography trafficking and online~~  
4 ~~enticement has overwhelmed California law enforcement's ability~~  
5 ~~to respond, leaving many predators unchecked and many victims~~  
6 ~~beyond rescue.~~

7 ~~(e) Child pornography and online child enticement crimes have~~  
8 ~~among the highest conviction rates of any child sexual offense,~~  
9 ~~and research indicates that 55 to 80 percent of child pornography~~  
10 ~~offenders have committed direct sexual contact offenses against~~  
11 ~~children. Investigating and prosecuting these predators is, thus,~~  
12 ~~one of the most concrete and measurable strategies for the~~  
13 ~~prevention of future child sexual abuse.~~

14 ~~SEC. 2. The sum of twenty million dollars (\$20,000,000) is~~  
15 ~~hereby appropriated as follows:~~

16 ~~(a) One million dollars (\$1,000,000) annually for five years to~~  
17 ~~each of the four existing Internet Crimes Against Children (ICAC)~~  
18 ~~task forces in California, as designated and funded by the Office~~  
19 ~~of Juvenile Justice and Delinquency Prevention (OJJDP) of the~~  
20 ~~United States Department of Justice.~~

21 ~~(b) The Office of Emergency Services shall administer this~~  
22 ~~program, including the allocation of funds and the monitoring of~~  
23 ~~compliance with the requirements set forth in this section.~~

24 ~~(e) The use of funds appropriated pursuant to this section is~~  
25 ~~subject to the terms and requirements of the federal ICAC program,~~  
26 ~~including, but not limited to, ICAC program guidelines and~~  
27 ~~protocols, training standards, and reporting requirements.~~

28 ~~(d) All funds appropriated pursuant to this section shall be used~~  
29 ~~for investigating and prosecuting online sexual exploitation of~~  
30 ~~children, including activities that directly support those~~  
31 ~~investigations and prosecutions, and not for other computer-related~~  
32 ~~crimes.~~

33 ~~(e) If an ICAC task force loses its federal certification or the~~  
34 ~~Office of Emergency Services determines that it is out of~~  
35 ~~compliance with federal guidelines or requirements, state funding~~  
36 ~~may be withdrawn from that task force and redistributed to other~~  
37 ~~existing ICAC task forces.~~

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