

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2100 Session of 2012

INTRODUCED BY DEASY, BISHOP, VULAKOVICH, BRENNAN, D. COSTA,
DALEY, DAVIS, DAVIDSON, DeLUCA, FABRIZIO, FRANKEL, GEORGE,
GERGELY, GIBBONS, GOODMAN, HARKINS, HORNAMAN, KORTZ, MAHONEY,
MANN, MATZIE, McGEEHAN, MIRABITO, MUNDY, MURT, MYERS,
M. O'BRIEN, PASHINSKI, PRESTON, QUINN, READSHAW, SANTARSIERO,
M. SMITH, STEVENSON, STURLA, THOMAS, WHITE AND YOUNGBLOOD,
APRIL 30, 2012

REFERRED TO COMMITTEE ON CHILDREN AND YOUTH, APRIL 30, 2012

AN ACT

1 Requiring the Office of Attorney General and the Department of
2 Public Welfare to cooperate with local officials in child
3 abuse matters; and making appropriations.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Attorney
8 General Mandated Reporting Act.

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

11 (1) Child sexual abuse is a serious threat to the health
12 and welfare of children and families in this Commonwealth,
13 costing taxpayers millions annually in mental health,
14 medical, legal, criminal justice and social service costs.

15 (2) Criminals who produce, distribute and possess video
16 and images of children being sexually assaulted, that is,

1 child pornography, create an illicit market demand for the
2 rape and abuse of more children in this Commonwealth and
3 throughout the United States.

4 (3) The Pennsylvania State Police hosts Round Up to
5 detect and log child exploitation suspects nationwide and
6 deserves commendation for its outstanding leadership in
7 protecting the children of this Commonwealth and the nation.

8 (4) The task force has been instrumental in establishing
9 Round Up as a service to the nation and the people of this
10 Commonwealth; and the task force deserves commendation for
11 its outstanding leadership in this area and in interdicting
12 child exploitation and abuse in this Commonwealth.

13 (5) The dedicated men and women who investigate and
14 prosecute technology-facilitated child exploitation in this
15 Commonwealth struggle daily, without adequate resources to
16 investigate and arrest all known suspects and rescue their
17 victims.

18 (6) In many communities throughout this Commonwealth,
19 law enforcement agencies lack the specialized training,
20 equipment and personnel to:

21 (i) properly investigate and prosecute technology-
22 facilitated child exploitation; and

23 (ii) mount adequate first responder activities.

24 (7) Thousands of criminals who have been identified as
25 they upload, download or share child abuse images online in
26 this Commonwealth are not being investigated or arrested, due
27 to lack of law enforcement resources.

28 (8) Research funded by the United States Department of
29 Justice-funded research indicates that between 40% and 55% of
30 these suspects may be dual offenders or contact offenders

1 with local child victims.

2 (9) Many of the suspects identified by Round Up and
3 other law enforcement investigative methods are not being
4 investigated or referred to local law enforcement agencies,
5 due to:

6 (i) lack of resources; or

7 (ii) real or perceived lack of readiness on the part
8 of local law enforcement agencies.

9 (10) As the chief law enforcement officer of the
10 Commonwealth, the Attorney General should assume
11 responsibility for reporting promptly to appropriate law
12 enforcement agencies child exploitation suspects who:

13 (i) have been identified and logged into a
14 Pennsylvania State Police database or into any law
15 enforcement database to which the Pennsylvania State
16 Police have access; and

17 (ii) are not being actively investigated.

18 Section 3. Definitions.

19 The following words and phrases when used in this act shall
20 have the meanings given to them in this section unless the
21 context clearly indicates otherwise:

22 "Child." An individual or individuals under 16 years of age.

23 "Department." The Department of Public Welfare of the
24 Commonwealth.

25 "Municipality." A city, borough, incorporated town or
26 township.

27 "Office." The Office of Attorney General of the
28 Commonwealth.

29 "Residence." A location where an individual resides for at
30 least 30 consecutive days during a year.

1 "Round Up." The online enforcement investigative program
2 operated by the Pennsylvania State Police as a law enforcement
3 deconfliction database.

4 "Suspect." An individual identified as accessing material
5 under 18 Pa.C.S. § 6312 (relating to sexual abuse of children)
6 as determined by existing law enforcement databases.

7 "Task force." The Pennsylvania Internet Crimes Against
8 Children Task Force, hosted by the District Attorney of Delaware
9 County.

10 Section 4. Notice, collection and investigation.

11 (a) Notice.--Subject to section 6(a), the following apply:

12 (1) Except as set forth in paragraph (2), within 24
13 hours of initial identification of a suspect, the office
14 shall notify the law enforcement agency in a municipality
15 where a suspect resides of the identification.

16 (2) Paragraph (1) does not apply if the office
17 determines that a Federal, Commonwealth or local law
18 enforcement agency has undertaken affirmative steps by a law
19 enforcement officer to ascertain the identity of the suspect
20 in connection with a criminal investigation. Affirmative
21 steps include the issuance of a subpoena or warrant to
22 determine the identity of or arrest of the suspect.

23 (b) Task force.--

24 (1) The task force shall access and provide data from
25 Round Up or a system which meets the requirements of the
26 Protect Our Children Act of 2008 (Public Law 110-401, 122
27 Stat. 4229) to assist municipalities in conducting
28 investigations, forensic analysis, child victim
29 identification and prosecution in cases arising from notice
30 under subsection (a).

1 (2) The task force shall provide first responder
2 training to law enforcement agencies in this Commonwealth to
3 accept and effectively act upon child exploitation referrals
4 from the office. Priority shall be given to law enforcement
5 agencies without existing expertise and resources. The task
6 force may utilize, for this training, a third-party entity
7 that has demonstrated experience in law enforcement training,
8 with specific expertise in the area of child exploitation.

9 (3) Upon delegation under section 6(a), the task force
10 shall perform the functions of the office under subsection
11 (a).

12 Section 5. Department.

13 The department shall assist investigating law enforcement
14 agencies in identifying possible child victims.

15 Section 6. Office.

16 (a) Coordination with task force.--

17 (1) The office shall coordinate with the task force in
18 the implementation of this act. This paragraph requires
19 formal participation in the task force, including training
20 and certification required to access the task force's
21 deconfliction database.

22 (2) The office may delegate to the task force the notice
23 function under section 4(a).

24 (b) Report.--By February 1, the office, utilizing Round Up
25 or a system which meets the requirements of the Protect Our
26 Children Act of 2008 (Public Law 110-401, 122 Stat. 4229), shall
27 submit to the Secretary of the Senate and the Chief Clerk of the
28 House of Representatives a report for the prior year on:

29 (1) Number of suspects identified. The information under
30 this paragraph shall be categorized as follows:

1 (i) Number of suspects who were actively
2 investigated by:

- 3 (A) the office;
- 4 (B) the Pennsylvania State Police;
- 5 (C) the task force or an affiliated agency;
- 6 (D) a Federal law enforcement agency.

7 (ii) Number of suspects who:

8 (A) were not investigated under subparagraph
9 (i); and

10 (B) were referred by the office to other law
11 enforcement agencies.

12 (iii) As to investigations under subparagraph (i)
13 and (ii):

14 (A) number of suspects arrested; and

15 (B) number of child victims identified.

16 (iv) Number of suspects who were not investigated.

17 (v) Relationships between suspects and victims.

18 (2) As to the department:

19 (i) Total number of incidents of abuse and neglect
20 which are reported, accepted, investigated and founded by
21 the department. Information under this paragraph shall be
22 categorized by:

23 (A) reports to law enforcement;

24 (B) type of abuse; and

25 (C) county.

26 (ii) Total number of child protective orders or
27 removal orders petitioned for by the department, stating
28 all of the following:

29 (A) Type of abuse.

30 (B) County.

1 (C) Disposition. Information under this clause
2 shall be categorized by type of abuse.

3 (3) As to incidents of sexual crimes against children,
4 total number of all of the following:

5 (i) Reports to law enforcement. Information under
6 this subparagraph shall be categorized by:

7 (A) type of offense;
8 (B) relationships between offenders and victims;
9 and
10 (C) county.

11 (ii) Search warrants issued.
12 (iii) Consent searches conducted.
13 (iv) Polygraph examinations conducted.
14 (v) Arrests.
15 (vi) Initiation of prosecution under Pa.R.Crim.P.
16 560 (relating to information: filing, contents,
17 function). Information under this subparagraph shall be
18 categorized by:

19 (A) county; and
20 (B) relationship of victim to offender.

21 (vii) Sentences imposed. Information under this
22 subparagraph shall be categorized by:

23 (A) type of offense;
24 (B) county;
25 (C) sentence deviation from guidelines; and
26 (D) time of incarceration under sentence.

27 (4) Number of notifications under section 4(a).
28 (5) Number of investigations by municipalities under
29 section 4(b).
30 (6) Coordination under subsection (a).

1 Section 19. Appropriation.

2 (a) Task force.--The sum of \$2,100,000, or as much thereof
3 as may be necessary, is hereby appropriated to the Pennsylvania
4 Internet Crimes Against Children Task Force for the fiscal year
5 July 1, 2012, to June 30, 2013, to carry out the provisions of
6 this act.

7 (b) Office.--The sum of \$1,250,000, or as much thereof as
8 may be necessary, is hereby appropriated to the Office of
9 Attorney General for the fiscal year July 1, 2012, to June 30,
10 2013, to carry out the provisions of this act.

11 Section 20. Effective date.

12 This act shall take effect July 1, 2012, or immediately,
13 whichever is later.