To: Judiciary B

By: Representative Compretta

## HOUSE BILL NO. 1582

AN ACT TO AMEND SECTION 97-5-31, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS; TO AMEND SECTION 97-5-33, MISSISSIPPI CODE OF 1972, TO INCLUDE THE USE OF COMPUTERS IN THE PROHIBITION OF 3 EXPLOITATION OF CHILDREN; TO AMEND SECTION 97-5-35, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES; TO AMEND SECTION 97-45-1, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS RELATED TO COMPUTER CRIMES; TO AMEND SECTION 97-45-3, MISSISSIPPI CODE OF 1972, TO REVISE COMPUTER FRAUD AND PENALTIES; TO CODIFY SECTION 97-45-15, MISSISSIPPI CODE OF 1972, TO CREATE THE OFFENSE OF 6 7 8 9 CYBERSTALKING AND PRESCRIBE PENALTIES FOR VIOLATIONS; TO CODIFY 10 SECTION 97-45-17, MISSISSIPPI CODE OF 1972, TO PROHIBIT POSTING CERTAIN MESSAGES THROUGH ELECTRONIC MEDIUM AND PRESCRIBE PENALTIES 11 12 FOR VIOLATIONS; TO CODIFY SECTION 97-45-19, MISSISSIPPI CODE OF 1972, TO PROHIBIT OBTAINING PERSONAL IDENTITY INFORMATION AND 13 14 PRESCRIBE PENALTIES FOR VIOLATIONS; TO CODIFY SECTION 97-45-21, 15 MISSISSIPPI CODE OF 1972, TO CLARIFY WHERE CRIMINAL ACTION MAY BE 16 BROUGHT; TO CODIFY SECTION 97-45-23, MISSISSIPPI CODE OF 1972, TO 17 PROVIDE FOR INVESTIGATIONS AND PROSECUTIONS; TO CODIFY SECTION 18 97-45-25, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ADDITIONAL 19 20 PENALTIES; AND FOR RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI: 21 SECTION 1. Section 97-5-31, Mississippi Code of 1972, is 22 23 amended as follows: 24 97-5-31. As used in Sections 97-5-33 through 97-5-37, the 25 following words and phrases shall have the meanings given to them in this section: 26 27 (a) "Child" means any individual who has not attained the age of eighteen (18) years. 28 29 "Sexually explicit conduct" means actual or (b)

(i) Sexual intercourse, including genital-genital,

oral-genital, anal-genital, or oral-anal, whether between persons

- of the same or opposite sex; 34 (ii) Bestiality;
- 35 (iii) Masturbation;
- (iv) Sadistic or masochistic abuse; 36

simulated:

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- 37 (v) Lascivious exhibition of the genitals or pubic
- 38 area of any person; or
- 39 (vi) Fondling or other erotic touching of the
- 40 genitals, pubic area, buttocks, anus or breast.
- 41 (c) "Producing" means producing, directing,
- 42 manufacturing, issuing, publishing, or advertising.
- 43 (d) "Visual depiction" includes without limitation
- 44 developed or undeveloped film and videotape or computer generated
- 45 or displayed images.
- (e) "Computer" has the meaning given in Title 18,
- 47 United States Code, Section 1030.
- 48 (f) "Simulated" means any depicting of the genitals or
- 49 rectal areas that gives the appearance of sexual conduct or
- 50 incipient sexual conduct.
- 51 **SECTION 2.** Section 97-5-33, Mississippi Code of 1972, is
- 52 amended as follows:
- 97-5-33. (1) No person shall, by any means including
- 54 computer, cause, solicit or knowingly permit any child to engage
- 55 in sexually explicit conduct or in the simulation of sexually
- 56 explicit conduct for the purpose of producing any visual depiction
- 57 of such conduct.
- 58 (2) No person shall, by any means including computer,
- 59 photograph, \* \* \* film, video tape or otherwise depict or record a
- 60 child engaging in sexually explicit conduct or in the simulation
- 61 of sexually explicit conduct.
- 62 (3) No person shall, by any means including computer,
- 63 knowingly send, transport, transmit, ship, mail or receive any
- 64 photograph, drawing, sketch, film, video tape or other visual
- 65 depiction portraying a child engaging in sexually explicit
- 66 conduct.
- 67 (4) No person shall, by any means including computer,
- 68 receive with intent to distribute, distribute for sale, sell or
- 69 attempt to sell in any manner any photograph, drawing, sketch,

- 70 film, video tape or other visual depiction which portrays a child
- 72 (5) No person shall, by any means including computer,

engaging in sexually explicit conduct.

- 73 possess any photograph, drawing, sketch, film, video tape or other
- 74 visual depiction which portrays a child engaging in sexually
- 75 explicit conduct.

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- 76 (6) No person shall, by any means including computer,
- 77 knowingly entice, induce, persuade, seduce, solicit, advise,
- 78 coerce, or order a child who is sixteen (16) years of age or
- 79 younger to meet with the defendant or any other person for the
- 80 purpose of engaging in sexually explicit conduct.
- 81 (7) Portraying adult as minor classification:
- 82 (a) No person shall masquerade as a child engaging in
- 83 sexually explicit conduct or in the simulation of sexually
- 84 explicit conduct.
- 85 (b) No person shall, by any means including computer,
- 86 knowingly produce, record, film, photograph, develop, duplicate,
- 87 distribute, transport, exhibit, electronically transmit, sell,
- 88 purchase or exchange any visual depiction depicting a child
- 89 engaging in sexually explicit conduct or the simulation of
- 90 sexually explicit conduct even though the participant in such
- 91 sexually explicit conduct or simulation of sexually explicit
- 92 conduct is an adult masquerading as a child.
- 93 (c) Any person who violates Section 97-5-33(7) shall be
- 94 guilty of a misdemeanor and upon conviction, for each offense,
- 95 shall be fined not less than Five Hundred Dollars (\$500.00) nor
- 96 more than Five Thousand Dollars (\$5,000.00) or be imprisoned for
- 97 not more than one (1) year in the county jail, or be punished by
- 98 both such fine and imprisonment.
- 99 (8) The fact that an undercover operative or law enforcement
- 100 officer was involved in the detection and investigation of an
- 101 offense under this section shall not constitute a defense to a

102 prosecution under this section.

- (9) For purposes of determining jurisdiction, the offense is 103 committed in this state if all or part of the conduct described in 104 this section occurs in the State of Mississippi or if the 105 106 transmission that constitutes the offense either originates in
- 107 this state or is received in this state.
- SECTION 3. Section 97-5-35, Mississippi Code of 1972, is 108 amended as follows: 109
- 97-5-35. Any person who violates any provision of 110 subsections (1) through (6) of Section 97-5-33 shall be guilty of 111 a felony and upon conviction shall pay a fine of not \* \* \* more 112
- 113 than Fifty Thousand Dollars (\$50,000.00) and shall be imprisoned
- for not less than two (2) years nor more than twenty (20) years, 114
- or by both such fine and imprisonment. Any person convicted of a 115
- second or subsequent violation of subsections (1) through (6) of 116
- Section 97-5-33 shall pay a fine of not more than One Hundred 117
- Thousand Dollars (\$100,000.00) and shall be imprisoned not less 118
- than ten (10) years nor more than thirty (30) years, or by both 119
- 120 such fine and imprisonment.
- SECTION 4. Section 97-45-1, Mississippi Code of 1972, is 121 122 amended as follows:
- 97-45-1. For the purposes of this chapter, the following 123
- 124 words shall have the meanings ascribed herein unless the context
- 125 clearly requires otherwise:
- "Access" means to program, to execute programs on, 126
- 127 to communicate with, store data in, retrieve data from or
- otherwise make use of any resources, including data or programs, 128
- 129 of a computer, computer system or computer network.
- "Computer" includes an electronic, magnetic, 130 (b)
- optical or other high-speed data processing device or system 131
- performing logical arithmetic and storage functions and includes 132
- any property, data storage facility or communications facility 133
- 134 directly related to or operating in conjunction with such device
- "Computer" shall not include an automated typewriter 135 or system.

or typesetter, a machine designed solely for word processing which
contains no data base intelligence or a portable hand-held
calculator nor shall "computer" include any other device which
contains components similar to those in computers but in which the
components have the sole function of controlling the device for
the single purpose for which the device is intended unless the
thus controlled device is a processor of data or is a storage of

(c) "Computer network" means a set of related, remotely
connected devices and communication facilities including at least
one (1) computer system with the capability to transmit data
through communication facilities.

intelligence in which case it too is included.

- 148 (d) "Computer program" means an ordered set of data

  149 representing coded instructions or statements that when executed

  150 by a computer cause the computer to process data.
- 151 (e) "Computer software" means a set of computer
  152 programs, procedures and associated documentation concerned with
  153 operation of a computer system.
- (f) "Computer system" means a set of functionally
  related, connected or unconnected, computer equipment, devices or
  computer software.
- 157 (g) "Computer services" means providing access to or
  158 service or data from a computer, a computer system or a computer
  159 network and includes the actual data processing.
- (h) "Credible threat" means a threat made with the

  intent and the apparent ability to carry out the threat so as to

  cause the person who is the target of the threat to reasonably

  fear for his or her safety.
- (i) "Loss or damage" includes any reasonable cost to

  any victim, including the cost of responding to an offense,

  conducting a damage assessment, and restoring the data, program,

  system, or information to its condition prior to the offense, and



168	any revenue lost, cost incurred or other consequential damages
169	incurred because of interruption of service.
170	(j) "Device" includes, but is not limited to, an
171	electronic, magnetic, electrochemical, biochemical, hydraulic,
172	optical, or organic object that performs input, output, or storage
173	functions by the manipulation of electronic, magnetic or other
174	<pre>impulses.</pre>
175	(k) "Electronic communication" means any transfer of
176	signs, signals, writing, images, sounds, data, or intelligence of
177	any nature, transmitted in whole or in part by a wire, radio,
178	computer, electromagnetic, photoelectric or photo-optical system.
179	(1) "Electronic mail" means the transmission of
180	information or communication by the use of the Internet, a
181	computer, a facsimile machine, a pager, a cellular telephone, a
182	video recorder, or other electronic means sent to a person
183	identified by a unique address or address number and received by
184	that person.
185	(m) "Emotional distress" means significant mental
186	suffering or distress that may, but does not necessarily, require
187	medical or other professional treatment or counseling.
188	(n) "Financial instrument" means any check, draft,
189	money order, certificate of deposit, letter of credit, bill of
190	exchange, credit card as defined in Section 97-19-9(b),
191	Mississippi Code of 1972, or marketable security.
192	(o) "Financial transaction device" means any of the
193	following:
194	(i) An electronic funds transfer card.
195	(ii) A credit card.
196	(iii) A debit card.
197	(iv) A point-of-sale card.
198	(v) Any instrument, device, card, plate, code,
199	account number, personal identification number, or a record or
200	copy of a code, account number, or personal identification number

H. B. No. 1582 02/HR03/R1213.1 PAGE 6 (CJR\LH)

201	or other means of access to a credit account or deposit account,
202	or a driver's license or state identification card used to access
203	a proprietary account, other than access originated solely by a
204	paper instrument, that can be used alone or in conjunction with
205	another access device, for any of the following purposes.
206	1. Obtaining money, cash refund or credit
207	account credit, goods, services, or any other thing of value.
208	2. Certifying or guaranteeing to a person or
209	business the availability to the device holder of funds on deposit
210	to honor a draft or check payable to the order of that person or
211	business.
212	3. Providing the device holder access to a
213	deposit account for the purpose of making deposits, withdrawing
214	funds, transferring funds between deposit accounts, obtaining
215	information pertaining to a deposit account, or making an
216	electronic funds transfer.
217	(p) "Intellectual property" includes data, computer
218	programs, computer software, trade secrets, copyrighted materials
219	and confidential or proprietary information in any form or medium
220	when such is stored in, produced by or intended for use or storage
221	with or in a computer, a computer system or a computer network.
222	(q) "Internet" means that term as defined in Section
223	230 of Title II of the Communications Act of 1934, Chapter 652,
224	110 Stat. 137, 47 USCS 230.
225	(r) "Medical records" includes, but is not limited to,
226	medical and mental health histories, reports, summaries, diagnoses
227	and prognoses, treatment and medication information, notes,
228	entries, and x-rays and other imaging records.
229	(s) "Personal identify information" means any of the
230	following information of another person:
231	(i) A social security number.
232	(ii) A driver's license number or state personal

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identification card number.

234	(iii) Employment information.
235	(iv) Information regarding any financial account
236	held by another person including, but not limited to, any of the
237	following:
238	1. A savings or checking account number.
239	2. A financial transaction device account
240	number.
241	3. A stock or other security certificate or
242	account number.
243	4. A personal information number for an
244	account described in sub-subparagraphs 1. to 4.
245	(t) "Post a message" means transferring, sending,
246	posting, publishing, disseminating, or otherwise communicating or
247	attempting to transfer, send, post, publish, disseminate, or
248	otherwise communicate information, whether truthful or untruthful,
249	about the victim.
250	(u) "Property" means property as defined in Section
251	1-3-45, Mississippi Code of 1972, and shall specifically include,
252	but not be limited to, financial instruments, electronically
253	stored or produced data and computer programs, whether in machine
254	readable or human readable form.
255	(v) "Proper means" includes:
256	(i) Discovery by independent invention;
257	(ii) Discovery by "reverse engineering"; that is,
258	by starting with the known product and working backward to find
259	the method by which it was developed. The acquisition of the
260	known product must be by lawful means;
261	(iii) Discovery under license or authority of the
262	owner;
263	(iv) Observation of the property in public use or
264	on public display; or
265	(v) Discovery in published literature.

266	(w) "Unconsented contact" means any contact with
267	another individual that is initiated or continued without that
268	individual's consent or in disregard of that individual's
269	expressed desire that the contact be avoided or discontinued.
270	Unconsented contact includes any of the following:
271	(i) Following or appearing within sight of the
272	victim.
273	(ii) Approaching or confronting the victim in a
274	public place or on private property.
275	(iii) Appearing at the victim's workplace or
276	residence.
277	(iv) Entering onto or remaining on property owned,
278	leased, or occupied by the victim.
279	(v) Contacting the victim by telephone.
280	(vi) Sending mail or electronic communications to
281	the victim through the use of any medium, including the Internet
282	or a computer, computer program, computer system, or computer
283	<pre>network.</pre>
284	(vii) Placing an object on, or delivering or
285	having delivered an object to, property owned, leased, or occupied
286	by the victim.
287	$\underline{(x)}$ "Use" means to make use of, to convert to one's
288	service, to avail oneself of or to employ. In the context of this
289	act, "use" includes to instruct, communicate with, store data in
290	or retrieve data from, or otherwise utilize the logical arithmetic
291	or memory functions of a computer.
292	(y) "Victim" means the individual who is the target of
293	the conduct elicited by the posted message or a member of that
294	<pre>individual's immediate family.</pre>
295	SECTION 5. Section 97-45-3, Mississippi Code of 1972, is



amended as follows:

97-45-3. (1) Computer fraud is the accessing or causing to
be accessed of any computer, computer system, computer network, or
any part thereof with the intent to:

- 300 (a) Defraud; or
- 301 (b) Obtain money, property or services by means of 302 false or fraudulent conduct, practices or representations; or 303 through the false or fraudulent alteration, deletion or insertion 304 of programs or data; or
- opportunity for an unknowing and unwanted insertion or attachment
  of a set of instructions or a computer program into a computer
  program, computer, computer system, or computer network, that is
  intended to acquire, alter, damage, delete, disrupt, or destroy
  property or otherwise use the services of a computer program,
  computer, computer system, or computer network.
- Whoever commits the offense of computer fraud shall be 312 (2) punished, upon conviction, by a fine of not more than One Thousand 313 314 Dollars (\$1,000.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. However, when the 315 316 damage or loss amounts to a value of One Hundred Dollars (\$100.00) or more, the offender may be punished, upon conviction, by a fine 317 318 of not more than Ten Thousand Dollars (\$10,000.00) or by 319 imprisonment for not more than five (5) years, or by both such fine and imprisonment. 320
- 321 **SECTION 6.** The following shall be codified as Section 322 97-45-15, Mississippi Code of 1972:
- 323 97-45-15. (1) It is unlawful for a person to:
- 324 (a) Use in electronic mail or electronic communication 325 any words or language threatening to inflict bodily harm to any 326 person or to that person's child, sibling, spouse, or dependent, 327 or physical injury to the property of any person, or for the 328 purpose of extorting money or other things of value from any 329 person.

- 330 (b) Electronically mail or electronically communicate 331 to another repeatedly, whether or not conversation ensues, for the 332 purpose of abusing, annoying, threatening, terrifying, harassing, 333 or embarrassing any person.
- 334 (c) Electronically mail or electronically communicate
  335 to another and to knowingly make any false statement concerning
  336 death, injury, illness, disfigurement, indecent conduct, or
  337 criminal conduct of the person electronically mailed or of any
  338 member of the person's family or household with the intent to

abuse, annoy, threaten, terrify, harass, or embarrass.

- 340 (d) Knowingly permit an electronic communication device 341 under the person's control to be used for any purpose prohibited 342 by this section.
- 343 (2) Whoever commits the offense of cyberstalking shall be 344 punished, upon conviction:
- 345 (a) Except as provided herein, the person is guilty of 346 a felony punishable by imprisonment for not more than two (2) 347 years or a fine of not more than Five Thousand Dollars 348 (\$5,000.00), or both.
- 349 (b) If any of the following apply, the person is guilty
  350 of a felony punishable by imprisonment for not more than five (5)
  351 years or a fine of not more than Ten Thousand Dollars
- 352 (\$10,000.00), or both:

- (i) The offense is in violation of a restraining order and the person has received actual notice of that restraining order or posting the message is in violation of an injunction or preliminary injunction.
- (ii) The offense is in violation of a condition of probation, a condition of parole, a condition of pretrial release, or a condition of release on bond pending appeal.
- 360 (iii) The offense results in a credible threat
  361 being communicated to the victim, a member of the victim's family,
  362 or another individual living in the same household as the victim.

- (iv) The person has been previously convicted of violating this section or a substantially similar law of another state, a political subdivision of another state, or of the United
- 367 (3) This section does not apply to any peaceable,
  368 nonviolent, or nonthreatening activity intended to express
  369 political views or to provide lawful information to others. This
  370 section shall not be construed to impair any constitutionally
  371 protected activity, including speech, protest or assembly.
- 372 **SECTION 7.** The following shall be codified as Section 373 97-45-17, Mississippi Code of 1972:

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- 97-45-17. (1) A person shall not post a message through the
  use of any medium of communication, including the Internet or a
  computer, computer program, computer system, or computer network,
  or other electronic medium of communication, without the victim's
  consent, if all of the following apply:
- 379 (a) The person knows or has reason to know that posting 380 the message could cause two (2) or more separate noncontinuous 381 acts of unconsented contact with the victim.
- 382 (b) Posting the message is intended to cause conduct
  383 that would make the victim feel terrorized, frightened,
  384 intimidated, threatened, harassed or molested.
- 385 (c) Conduct arising from posting the message would 386 cause a reasonable person to suffer emotional distress and to feel 387 terrorized, frightened, intimidated, threatened, harassed or 388 molested.
- (d) Conduct arising from posting the message causes the victim to suffer emotional distress and to feel terrorized, frightened, intimidated, threatened, harassed or molested.
- 392 (2) Whoever commits the offense contained within this 393 section shall be punished, upon conviction, as follows:
- 394 (a) Except as provided herein, the person is guilty of 395 a felony punishable by imprisonment for not more than two (2)

396 years or a fine of not more than Five Thousand Dollars

- 397 (\$5,000.00), or both.
- 398 (b) If any of the following apply, the person is guilty
- 399 of a felony punishable by imprisonment for not more than five (5)
- 400 years or a fine of not more than Ten Thousand Dollars
- 401 (\$10,000.00), or both:
- 402 (i) Posting the message is in violation of a
- 403 restraining order and the person has received actual notice of
- 404 that restraining order or posting the message is in violation of
- 405 an injunction or preliminary injunction.
- 406 (ii) Posting the message is in violation of a
- 407 condition of probation, a condition of parole, a condition of
- 408 pretrial release, or a condition of release on bond pending
- 409 appeal.
- 410 (iii) Posting the message results in a credible
- 411 threat being communicated to the victim, a member of the victim's
- 412 family, or another individual living in the same household as the
- 413 victim.
- 414 (iv) The person has been previously convicted of
- 415 violating this section or a substantially similar law of another
- 416 state, a political subdivision of another state, or of the United
- 417 States.
- 418 (v) The victim is less than eighteen (18) years of
- 419 age when the violation is committed and the person committing the
- 420 violation is five (5) or more years older than the victim.
- 421 (3) This section does not apply to an Internet or computer
- 422 network service provider who in good faith, and without knowledge
- 423 of the specific nature of the message posted, provides the medium
- 424 for disseminating information or communication between persons.
- 425 (4) This section does not prohibit a person from being
- 426 charged with, convicted of, or punished for any other violation of
- 427 law committed by that person while violating or attempting to
- 428 violate this section.

429	(5)	This	section	does	not	prohibit	constitutionally

- 430 protected speech or activity.
- 431 (6) Notwithstanding other provisions contained within this
- 432 chapter, a person may be prosecuted in this state for violating or
- 433 attempting to violate this section only if one (1) of the
- 434 following applies:
- 435 (a) The person posts the message while in this state;
- 436 (b) Conduct arising from posting the message occurs in
- 437 this state;
- 438 (c) The victim is present in this state at the time the
- 439 offense or any element of the offense occurs; or
- (d) The person posting the message knows that the
- 441 victim resides in this state.
- 442 **SECTION 8.** The following shall be codified as Section
- 443 97-45-19, Mississippi Code of 1972:
- 444 97-45-19. (1) A person shall not obtain or attempt to
- 445 obtain personal identity information of another person with the
- 446 intent to unlawfully use that information for any of the following
- 447 purposes without that person's authorization:
- 448 (a) To obtain financial credit.
- (b) To purchase or otherwise obtain or lease any real
- 450 or personal property.
- 451 (c) To obtain employment.
- (d) To obtain access to medical records or information
- 453 contained in medical records.
- (e) To commit any illegal act.
- 455 (2) A person who violates this section is guilty of a felony
- 456 punishable by imprisonment for not more than five (5) years or a
- fine of not more than Ten Thousand Dollars (\$10,000.00), or both.
- 458 (3) This section does not prohibit the person from being
- 459 charged with, convicted of, or sentenced for any other violation
- 460 of law committed by that person using information obtained in
- 461 violation of this section.

- 462 (4) This section does not apply to a person who obtains or
- 463 attempts to obtain personal identity information of another person
- 464 pursuant to the discovery process of a civil action, an
- 465 administrative proceeding or an arbitration proceeding.
- 466 **SECTION 9.** The following shall be codified as Section
- 467 97-45-21, Mississippi Code of 1972:
- 468 97-45-21. For purposes of bringing a criminal action under
- 469 this chapter, a person who causes, by any means, the access of a
- 470 computer, computer system or computer network in one jurisdiction
- 471 from another jurisdiction is deemed to have personally accessed
- 472 the computer, computer system or computer network in each
- 473 jurisdiction.
- 474 **SECTION 10.** The following shall be codified as Section
- 475 97-45-23, Mississippi Code of 1972:
- 97-45-23. Prosecutions for violations under Title 97,
- 477 Chapter 45, or Section 97-5-33, may be instituted by the Attorney
- 478 General, his designee or the district attorney of the district in
- 479 which the violation occurred, and shall be conducted in the name
- 480 of the State of Mississippi. In the prosecution of any criminal
- 481 proceeding in accordance with this subsection by the Attorney
- 482 General, his designee, and in any proceeding before a grand jury
- 483 in connection therewith, the Attorney General, or his designee,
- 484 shall exercise all the powers and perform all the duties which the
- 485 district attorney would otherwise be authorized or required to
- 486 exercise or perform. The Attorney General, or his designee, shall
- 487 have the authority to issue and serve subpoenas in the
- 488 investigation of any matter which may violate Title 97, Chapter
- 489 45, or Section 97-5-33.
- 490 **SECTION 11.** The following shall be codified as Section
- 491 97-45-25, Mississippi Code of 1972:
- 492 97-45-25. In a proceeding for violations under Title 97,
- 493 Chapter 45, or Section 97-5-33, the court, in addition to the
- 494 criminal penalties imposed under this chapter, shall assess

against the defendant convicted of such violation double those 495 reasonable costs that are expended by the Office of Attorney 496 General, the district attorney's office, the sheriff's office or 497 498 police department involved in the investigation of such case, 499 including, but not limited to, the cost of investigators, software and equipment utilized in the investigation, together with costs 500 501 associated with process service, court reporters and expert 502 witnesses. The Attorney General or district attorney may 503 institute and maintain proceedings in his name for enforcement of payment in the circuit court of the county of residence of the 504 505 defendant and, if the defendant is a nonresident, such proceedings 506 shall be in the Circuit Court of the First Judicial District of 507 Hinds County, Mississippi. The Attorney General or district attorney shall distribute the property or interest assessed under 508 this section as follows: 509

- (a) Fifty percent (50%) shall be distributed to the unit of state or local government whose officers or employees conduced the investigation into computer fraud or child exploitation which resulted in the arrest or arrests and prosecution. Amounts distributed to units of local government shall be used for training or enforcement purposes relating to detection, investigation or prosecution of computer and financial crimes, including computer fraud or child exploitation.
- Where the prosecution was maintained by the 518 519 district attorney, fifty percent (50%) shall be distributed to the county in which the prosecution was instituted by the district 520 521 attorney and appropriated to the district attorney for use in training or enforcement purposes relating to detection, 522 523 investigation or prosecution of computer and financial crimes, 524 including computer fraud or child exploitation. Where a prosecution was maintained by the Attorney General, fifty percent 525 526 (50%) of the proceeds shall be paid or distributed into the 527 Attorney General's Cyber Crime Unit. Where the Attorney General

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528	and the district attorney have participated jointly in any part of
529	the proceedings, twenty-five percent (25%) of the property
530	forfeited shall be paid to the county in which the prosecution
531	occurred, and twenty-five percent (25%) shall be paid to the
532	Attorney General's Cyber Crime Unit to be used for the purposes as
533	stated in this paragraph.

534 **SECTION 12.** This act shall take effect and be in force from 535 and after July 1, 2002.