

By: Senator(s) Johnson (38th), Chamberlin,
Williamson

To: Judiciary

SENATE BILL NO. 2756

1 AN ACT TO AMEND SECTION 97-5-31, MISSISSIPPI CODE OF 1972, TO
 2 DEFINE CERTAIN TERMS; TO AMEND SECTION 97-5-33, MISSISSIPPI CODE
 3 OF 1972, TO INCLUDE THE USE OF COMPUTERS IN THE PROHIBITION OF
 4 EXPLOITATION OF CHILDREN; TO AMEND SECTION 97-5-35, MISSISSIPPI
 5 CODE OF 1972, TO REVISE PENALTIES; TO AMEND SECTION 97-45-1,
 6 MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN TERMS RELATED TO
 7 COMPUTER CRIMES; TO AMEND SECTION 97-45-3, MISSISSIPPI CODE OF
 8 1972, TO REVISE COMPUTER FRAUD AND PENALTIES; TO CODIFY SECTION
 9 97-45-15, MISSISSIPPI CODE OF 1972, TO CREATE THE OFFENSE OF
 10 CYBERSTALKING AND PRESCRIBE PENALTIES FOR VIOLATIONS; TO CODIFY
 11 SECTION 97-45-17, MISSISSIPPI CODE OF 1972, TO PROHIBIT POSTING
 12 CERTAIN MESSAGES THROUGH ELECTRONIC MEDIUM AND PRESCRIBE PENALTIES
 13 FOR VIOLATIONS; TO CODIFY SECTION 97-45-19, MISSISSIPPI CODE OF
 14 1972, TO PROHIBIT OBTAINING PERSONAL IDENTITY INFORMATION AND
 15 PRESCRIBE PENALTIES FOR VIOLATIONS; TO CODIFY SECTION 97-45-21,
 16 MISSISSIPPI CODE OF 1972, TO CLARIFY WHERE CRIMINAL ACTION MAY BE
 17 BROUGHT; TO CODIFY SECTION 97-45-23, MISSISSIPPI CODE OF 1972, TO
 18 PROVIDE FOR INVESTIGATIONS AND PROSECUTIONS; TO CODIFY SECTION
 19 97-45-25, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR ADDITIONAL
 20 PENALTIES; AND FOR RELATED PURPOSES.

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

22 **SECTION 1.** Section 97-5-31, Mississippi Code of 1972, is
 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
 26 in this section:

27 (a) "Child" means any individual who has not attained
 28 the age of eighteen (18) years.

29 (b) "Sexually explicit conduct" means actual or
 30 simulated:

31 (i) Sexual intercourse, including genital-genital,
 32 oral-genital, anal-genital, or oral-anal, whether between persons
 33 of the same or opposite sex;

34 (ii) Bestiality;

35 (iii) Masturbation;

36 (iv) Sadistic or masochistic abuse;



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.

46 (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:

53 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
71 engaging in sexually explicit conduct.

72 (5) No person shall, by any means including computer,
73 possess any photograph, drawing, sketch, film, video tape or other
74 visual depiction which portrays a child engaging in sexually
75 explicit conduct.

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.



103 (9) For purposes of determining jurisdiction, the offense is
104 committed in this state if all or part of the conduct described in
105 this section occurs in the State of Mississippi or if the
106 transmission that constitutes the offense either originates in
107 this state or is received in this state.

108 **SECTION 3.** Section 97-5-35, Mississippi Code of 1972, is
109 amended as follows:

110 97-5-35. Any person who violates any provision of
111 subsections (1) through (6) of Section 97-5-33 shall be guilty of
112 a felony and upon conviction shall pay a fine of not * * * more
113 than Fifty Thousand Dollars (\$50,000.00) and shall be imprisoned
114 for not less than two (2) years nor more than twenty (20) years,
115 or by both such fine and imprisonment. Any person convicted of a
116 second or subsequent violation of subsections (1) through (6) of
117 Section 97-5-33 shall pay a fine of not more than One Hundred
118 Thousand Dollars (\$100,000.00) and shall be imprisoned not less
119 than ten (10) years nor more than thirty (30) years, or by both
120 such fine and imprisonment.

121 **SECTION 4.** Section 97-45-1, Mississippi Code of 1972, is
122 amended as follows:

123 97-45-1. For the purposes of this chapter, the following
124 words shall have the meanings ascribed herein unless the context
125 clearly requires otherwise:

126 (a) "Access" means to program, to execute programs on,
127 to communicate with, store data in, retrieve data from or
128 otherwise make use of any resources, including data or programs,
129 of a computer, computer system or computer network.

130 (b) "Computer" includes an electronic, magnetic,
131 optical or other high-speed data processing device or system
132 performing logical arithmetic and storage functions and includes
133 any property, data storage facility or communications facility
134 directly related to or operating in conjunction with such device
135 or system. "Computer" shall not include an automated typewriter



136 or typesetter, a machine designed solely for word processing which
137 contains no data base intelligence or a portable hand-held
138 calculator nor shall "computer" include any other device which
139 contains components similar to those in computers but in which the
140 components have the sole function of controlling the device for
141 the single purpose for which the device is intended unless the
142 thus controlled device is a processor of data or is a storage of
143 intelligence in which case it too is included.

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

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.

154 (f) "Computer system" means a set of functionally
155 related, connected or unconnected, computer equipment, devices or
156 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.

160 (h) "Credible threat" means a threat made with the
161 intent and the apparent ability to carry out the threat so as to
162 cause the person who is the target of the threat to reasonably
163 fear for his or her safety.

164 (i) "Loss or damage" includes any reasonable cost to
165 any victim, including the cost of responding to an offense,
166 conducting a damage assessment, and restoring the data, program,
167 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 impulses.

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 (l) "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



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
233 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 items 1 through 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 network.
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 (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 individual's immediate family.

295 **SECTION 5.** Section 97-45-3, Mississippi Code of 1972, is
296 amended as follows:



297 97-45-3. (1) Computer fraud is the accessing or causing to
298 be accessed of any computer, computer system, computer network or
299 any part thereof with the intent to:

300 (a) Defraud; * * *

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

305 (c) Insert or attach or knowingly create the
306 opportunity for an unknowing and unwanted insertion or attachment
307 of a set of instructions or a computer program into a computer
308 program, computer, computer system, or computer network, that is
309 intended to acquire, alter, damage, delete, disrupt, or destroy
310 property or otherwise use the services of a computer program,
311 computer, computer system or computer network.

312 (2) Whoever commits the offense of computer fraud shall be
313 punished, upon conviction, by a fine of not more than One Thousand
314 Dollars (\$1,000.00), or by imprisonment for not more than six (6)
315 months, or by both such fine and imprisonment. However, when the
316 damage or loss amounts to a value of One Hundred Dollars (\$100.00)
317 or more, the offender may be punished, upon conviction, by a fine
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
320 fine and imprisonment.

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, or
327 physical injury to the property of any person, or for the purpose
328 of extorting money or other things of value from any person.



329 (b) Electronically mail or electronically communicate
330 to another repeatedly, whether or not conversation ensues, for the
331 purpose of abusing, annoying, threatening, terrifying, harassing
332 or embarrassing any person.

333 (c) Electronically mail or electronically communicate
334 to another and to knowingly make any false statement concerning
335 death, injury, illness, disfigurement, indecent conduct, or
336 criminal conduct of the person electronically mailed or of any
337 member of the person's family or household with the intent to
338 abuse, annoy, threaten, terrify, harass or embarrass.

339 (d) Knowingly permit an electronic communication device
340 under the person's control to be used for any purpose prohibited
341 by this section.

342 (2) Whoever commits the offense of cyberstalking shall be
343 punished, upon conviction:

344 (a) Except as provided herein, the person is guilty of
345 a felony punishable by imprisonment for not more than two (2)
346 years or a fine of not more than Five Thousand Dollars
347 (\$5,000.00), or both.

348 (b) If any of the following apply, the person is guilty
349 of a felony punishable by imprisonment for not more than five (5)
350 years or a fine of not more than Ten Thousand Dollars
351 (\$10,000.00), or both:

352 (i) The offense is in violation of a restraining
353 order and the person has received actual notice of that
354 restraining order or posting the message is in violation of an
355 injunction or preliminary injunction.

356 (ii) The offense is in violation of a condition of
357 probation, a condition of parole, a condition of pretrial release
358 or a condition of release on bond pending appeal.

359 (iii) The offense results in a credible threat
360 being communicated to the victim, a member of the victim's family,
361 or another individual living in the same household as the victim.



362 (iv) The person has been previously convicted of
363 violating this section or a substantially similar law of another
364 state, a political subdivision of another state, or of the United
365 States.

366 (3) This section does not apply to any peaceable,
367 nonviolent, or nonthreatening activity intended to express
368 political views or to provide lawful information to others. This
369 section shall not be construed to impair any constitutionally
370 protected activity, including speech, protest or assembly.

371 **SECTION 7.** The following shall be codified as Section
372 97-45-17, Mississippi Code of 1972:

373 97-45-17. (1) A person shall not post a message through the
374 use of any medium of communication, including the Internet or a
375 computer, computer program, computer system or computer network,
376 or other electronic medium of communication, without the victim's
377 consent, if all of the following apply:

378 (a) The person knows or has reason to know that posting
379 the message could cause two (2) or more separate noncontinuous
380 acts of unconsented contact with the victim.

381 (b) Posting the message is intended to cause conduct
382 that would make the victim feel terrorized, frightened,
383 intimidated, threatened, harassed or molested.

384 (c) Conduct arising from posting the message would
385 cause a reasonable person to suffer emotional distress and to feel
386 terrorized, frightened, intimidated, threatened, harassed or
387 molested.

388 (d) Conduct arising from posting the message causes the
389 victim to suffer emotional distress and to feel terrorized,
390 frightened, intimidated, threatened, harassed or molested.

391 (2) Whoever commits the offense contained within this
392 section shall be punished, upon conviction, as follows:

393 (a) Except as provided herein, the person is guilty of
394 a felony punishable by imprisonment for not more than two (2)



395 years or a fine of not more than Five Thousand Dollars
396 (\$5,000.00), or both.

397 (b) If any of the following apply, the person is guilty
398 of a felony punishable by imprisonment for not more than five (5)
399 years or a fine of not more than Ten Thousand Dollars
400 (\$10,000.00), or both:

401 (i) Posting the message is in violation of a
402 restraining order and the person has received actual notice of
403 that restraining order or posting the message is in violation of
404 an injunction or preliminary injunction.

405 (ii) Posting the message is in violation of a
406 condition of probation, a condition of parole, a condition of
407 pretrial release, or a condition of release on bond pending
408 appeal.

409 (iii) Posting the message results in a credible
410 threat being communicated to the victim, a member of the victim's
411 family, or another individual living in the same household as the
412 victim.

413 (iv) The person has been previously convicted of
414 violating this section or a substantially similar law of another
415 state, a political subdivision of another state, or of the United
416 States.

417 (v) The victim is less than eighteen (18) years of
418 age when the violation is committed and the person committing the
419 violation is five (5) or more years older than the victim.

420 (3) This section does not apply to an Internet or computer
421 network service provider who in good faith, and without knowledge
422 of the specific nature of the message posted, provides the medium
423 for disseminating information or communication between persons.

424 (4) This section does not prohibit a person from being
425 charged with, convicted of, or punished for any other violation of
426 law committed by that person while violating or attempting to
427 violate this section.



428 (5) This section does not prohibit constitutionally
429 protected speech or activity.

430 (6) Notwithstanding other provisions contained within this
431 chapter, a person may be prosecuted in this state for violating or
432 attempting to violate this section only if one (1) of the
433 following applies:

434 (a) The person posts the message while in this state;

435 (b) Conduct arising from posting the message occurs in
436 this state;

437 (c) The victim is present in this state at the time the
438 offense or any element of the offense occurs; or

439 (d) The person posting the message knows that the
440 victim resides in this state.

441 **SECTION 8.** The following shall be codified as Section
442 97-45-19, Mississippi Code of 1972:

443 97-45-19. (1) A person shall not obtain or attempt to
444 obtain personal identity information of another person with the
445 intent to unlawfully use that information for any of the following
446 purposes without that person's authorization:

447 (a) To obtain financial credit.

448 (b) To purchase or otherwise obtain or lease any real
449 or personal property.

450 (c) To obtain employment.

451 (d) To obtain access to medical records or information
452 contained in medical records.

453 (e) To commit any illegal act.

454 (2) A person who violates this section is guilty of a felony
455 punishable by imprisonment for not more than five (5) years or a
456 fine of not more than Ten Thousand Dollars (\$10,000.00), or both.

457 (3) This section does not prohibit the person from being
458 charged with, convicted of, or sentenced for any other violation
459 of law committed by that person using information obtained in
460 violation of this section.



461 (4) This section does not apply to a person who obtains or
462 attempts to obtain personal identity information of another person
463 pursuant to the discovery process of a civil action, an
464 administrative proceeding or an arbitration proceeding.

465 **SECTION 9.** The following shall be codified as Section
466 97-45-21, Mississippi Code of 1972:

467 97-45-21. For purposes of bringing a criminal action under
468 this chapter, a person who causes, by any means, the access of a
469 computer, computer system or computer network in one jurisdiction
470 from another jurisdiction is deemed to have personally accessed
471 the computer, computer system or computer network in each
472 jurisdiction.

473 **SECTION 10.** The following shall be codified as Section
474 97-45-23, Mississippi Code of 1972:

475 97-45-23. Prosecutions for violations under Title 97,
476 Chapter 45, or Section 97-5-33, may be instituted by the Attorney
477 General, his designee or the district attorney of the district in
478 which the violation occurred, and shall be conducted in the name
479 of the State of Mississippi. In the prosecution of any criminal
480 proceeding in accordance with this subsection by the Attorney
481 General, his designee, and in any proceeding before a grand jury
482 in connection therewith, the Attorney General, or his designee,
483 shall exercise all the powers and perform all the duties which the
484 district attorney would otherwise be authorized or required to
485 exercise or perform. The Attorney General, or his designee, shall
486 have the authority to issue and serve subpoenas in the
487 investigation of any matter which may violate Title 97, Chapter
488 45, or Section 97-5-33.

489 **SECTION 11.** The following shall be codified as Section
490 97-45-25, Mississippi Code of 1972:

491 97-45-25. In a proceeding for violations under Title 97,
492 Chapter 45, or Section 97-5-33, the court, in addition to the
493 criminal penalties imposed under this chapter, shall assess



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

509 (a) Fifty percent (50%) shall be distributed to the
510 unit of state or local government whose officers or employees
511 conducted the investigation into computer fraud or child
512 exploitation which resulted in the arrest or arrests and
513 prosecution. Amounts distributed to units of local government
514 shall be used for training or enforcement purposes relating to
515 detection, investigation or prosecution of computer and financial
516 crimes, including computer fraud or child exploitation.

517 (b) Where the prosecution was maintained by the
518 district attorney, fifty percent (50%) shall be distributed to the
519 county in which the prosecution was instituted by the district
520 attorney and appropriated to the district attorney for use in
521 training or enforcement purposes relating to detection,
522 investigation or prosecution of computer and financial crimes,
523 including computer fraud or child exploitation. Where a
524 prosecution was maintained by the Attorney General, fifty percent
525 (50%) of the proceeds shall be paid or distributed into the
526 Attorney General's Cyber Crime Unit. Where the Attorney General



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

533 **SECTION 12.** This act shall take effect and be in force from
534 and after July 1, 2003.

