SENATE JUDICIARY
EXHIBIT NO. 2
DATE 3/18/09
BILL NO. HB 407

DEPARTMENT OF JUSTICE
HB 407: Protecting Children Against On-Line Predators and Sexual Exploitation

Protecting Montana's Kid from On-Line Predators

Teens who maintain profiles on social networking sites and who post photos of themselves online are likely to experience stranger contacts regardless of the information they share (e.g., first or last name, school name or email address) or whether they set their profiles to private or not. Girls are more likely to be contacted by strangers than boys.

- 39% of girls and 24% of boys between the ages of 12 and 17 have been contacted online by someone with no connection to them or their friends.
- 11% of girls and 4% of boys were contacted by a stranger who made them feel scared or uncomfortable.

Internet predators seek out others online to harm them. Most Internet predators do what is called "grooming." Many Internet predators are adults who have experience building the trust they need in their victims. They are very manipulative and can appear as extremely sincere, providing information and pictures that seem legitimate but are often false and portray a completely different person.

- Grooming begins when a predator finds a target online, usually by accessing personal information gathered from a variety of searches. They find out as much as they can, eventually developing a "profile" of their targets.
- Predators typically make contact with their targets by initiating online conversations in chat rooms or social networking sites. They usually try to appear as though they have things in common with their target.
- Over time, the communication moves from public sites to more private conversations, like instant messaging (IM) and email.
- Sexually explicit photos are often introduced to desensitize the person being groomed, thus allowing the target to become gradually comfortable with the images over time.
- The predator gains the victim's trust and friendship, while pulling the victim away from family and friends.
- *The most dangerous predators aim to meet their victims in person.*

-over-

Purpose of HB 407

Section 1 of HB 407 targets those predators who seek to ultimately meet their victims in person. It would clarify that an offender who travels to meet a victim (a child under 16 years of age) or persuades a victim to travel for the purpose of engaging in sexual conduct commits the offense of sexual abuse of children.

HB 407 strengthens the provisions of current law and ensures that dangerous predators can be held accountable. It applies to an offender who:

- travels within the state or persuades a victim to travel within the state in order to engage in sexual conduct.
- travels from Montana to meet with a victim in another state or persuades a victim from another state to travel to Montana in order to engage in sexual conduct.

Section 2 of HB 407 creates a reporting requirement for law enforcement officers to the National Center for Missing and Exploited Children (NCMEC*). A law enforcement officer who recovers images or movies of child pornography would be required to provide such images to NCMEC.

Mandatory reporting of recovery of images or movies of child pornography assists in successful federal prosecutions of pornography cases involving actual child victims. But most importantly, by making this material available to NCMEC, state and federal law enforcement across the country can locate and rescue child victims forced to engage in the production of child pornography.

Since its creation by Congress in 1984, NCMEC has assisted law enforcement with more than 130,300 missing child cases, resulting in the recovery of more than 112,900 children.

2009 Legislature
February 13, 2009

* NCMEC offers law enforcement powerful resources, free of charge, to help investigate cases of missing and sexually exploited children. In cooperation with the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention, and through the support of private sponsors, NCMEC provides assistance with:

- missing children cases
- child exploitation cases
- training and education