

## **Senate Bill No. 561**

### **CHAPTER 308**

An act to add and repeal Section 13023.5 of the Penal Code, relating to Internet crime statistics.

[Approved by Governor September 13, 2012. Filed with  
Secretary of State September 13, 2012.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 561, Corbett. Internet crimes: data collection.

Existing law requires specified local entities, including district attorneys and sheriffs, to install and maintain records needed for the correct reporting of statistical data and to report that data to the Attorney General at those times, and in a manner, prescribed by the Attorney General.

This bill would, until January 1, 2015, require the Alameda County District Attorney's Office and the Los Angeles County Sheriff's Department to collect statistical data on arrests or prosecutions involving private information, as defined, gathered from the Internet that was used in furtherance of a crime within each participating entity's jurisdiction. The bill would require the reporting of the statistical information to the Department of Justice in a prescribed manner on or before July 1, 2013, and January 1, 2014. The bill would require the Department of Justice to publish the information reported to it on the department's Internet Web site.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Alameda County District Attorney and the Los Angeles County Sheriff's Department.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

**SECTION 1.** Section 13023.5 is added to the Penal Code, to read:

13023.5. (a) The Alameda County District Attorney's Office and the Los Angeles County Sheriff's Department shall collect statistical data on arrests or prosecutions involving private information gathered from the Internet that was used in furtherance of a crime within each participating entity's jurisdiction. The information may be gathered in a manner that the participating entity deems appropriate and may focus the statistical data on crimes the victim of which is a minor.

(b) The Alameda County District Attorney's Office and the Los Angeles County Sheriff's Department shall electronically report the statistical data collected pursuant to subdivision (a) to the Department of Justice in portable document format, also known as PDF, in two installments. The first installment shall be reported to the department on or before July 1, 2013, and shall be comprised of all information collected prior to that date. The second installment shall be reported to the department on or before January 1, 2014, and shall be comprised of all information collected on and after July 1, 2013. The department shall publish the information reported pursuant to this section in a timely manner on the department's Internet Web site.

(c) For purposes of this section, "private information" means any information that identifies or describes an individual, including, but not limited to, his or her name, social security number, account numbers, passwords, personal identification numbers, physical description, physical location, home address, home telephone number, education, financial matters, and medical or employment history. Private information includes statements made by, or attributed to, the individual.

(d) This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique need to establish a pilot program in the named counties to determine, on a smaller scale, the efficacy of the program and the usefulness of the data collected.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.