

1 or knowingly fails to furnish a copy of that
2 image, or picture, to the law enforcement agency;
3 or knowingly fails to keep the image or picture
4 according to law enforcement agency's
5 instructions; or

6 (3) knowingly fails to notify a law enforcement
7 official having jurisdiction that through their
8 knowledge or observation, within the scope of
9 their professional capacity or employment, of the
10 existence of an electronic visual image,
11 computer-generated image or picture depicting a
12 person that the computer technician has reason to
13 know or believe is a child engaged in child
14 pornography; or knowingly fails to furnish a copy
15 of that image or picture, to the law enforcement
16 agency; or knowingly fails to keep the image or
17 picture, according to law enforcement agency's
18 instructions.

19 (b) Failure to report computer child pornography is a
20 class C felony.

21 **SA-2 Civil immunity.** (a) If a computer technician
22 reports to a law enforcement agency having jurisdiction, their



1 knowledge or observation, within the scope of their professional
2 capacity or employment, of an electronic visual image, computer-
3 generated image or picture depicting a person that the computer
4 technician has reason to know or believe is a child engaged in
5 child pornography; furnishes a copy of that image or picture to
6 the law enforcement agency; or keeps the image, picture, or
7 sound recording according to law enforcement agency's
8 instructions, both of the following shall apply:

- 9 (1) The identity of the computer technician shall be
10 confidential, subject to disclosure only with
11 their consent or by judicial process; and
- 12 (2) If the computer technician acted in good faith,
13 they shall be immune from civil liability that
14 might otherwise be incurred by their actions.
15 This immunity extends only to acts described in
16 this section.

17 (b) If the owner, operator, or employee of an interactive
18 computer service, internet service provider, or bulletin board
19 service reports to a law enforcement agency having jurisdiction,
20 their knowledge or observation, that a subscriber is using the
21 interactive computer service, internet service, or bulletin
22 board service to acquire, possess, solicit, or transmit child



1 pornography of an electronic visual image, computer-generated
2 image or picture depicting a person that the owner, operator, or
3 employee of an interactive computer service, internet service
4 provider, or bulletin board service has reason to know or
5 believe is a child engaged in child pornography, furnishes a
6 copy of that image or picture to the law enforcement agency or
7 keeps the image or picture according to law enforcement agency's
8 instructions, both of the following shall apply:

- 9 (1) The identity of the owner, operator, or employee
10 of an interactive computer service, internet
11 service provider, or bulletin board service shall
12 be confidential, subject to disclosure only with
13 their consent or by judicial process; and
- 14 (2) If the owner, operator, or employee of an
15 interactive computer service, internet service
16 provider, or bulletin board service acted in good
17 faith, they shall be immune from civil liability
18 that might otherwise be incurred by their
19 actions. This immunity extends only to acts
20 described in this section.

21 **§A-3 Definitions.** As used in this chapter:



1 "Child pornography" means any pornographic visual
2 representation, including any photograph, film, video, picture,
3 or computer or computer-generated image or picture, whether made
4 or produced by electronic, mechanical, or other means, of sexual
5 conduct, if:

6 (a) The pornographic production of such visual
7 representation involves the use of a minor engaging in
8 sexual conduct; or

9 (b) The pornographic visual representation has been
10 created, adapted, or modified to appear that an
11 identifiable minor is engaging in sexual conduct.

12 "Computer technician" means a person who installs,
13 maintains, troubleshoots, upgrades, or repairs computer
14 hardware, software, personal computer networks, or peripheral
15 equipment.

16 "Information content provider" means any person or entity
17 that is responsible, in whole or in part, for the creation or
18 development of information provided through the internet or any
19 other interactive computer service.

20 "Interactive computer service" means any information
21 system, service, or access software provider that provides or
22 enables computer access by multiple users to a computer server,



1 including specifically a service or system that provides service
2 to the internet.

3 "Internet" means collectively the myriad of computer and
4 telecommunications facilities, including equipment and operating
5 software that comprise the interconnected world-wide network of
6 networks that employ the Transmission Control Protocol/Internet
7 Protocol, or any predecessor or successor protocols to that
8 protocol, to communicate information of all kinds by wire or
9 radio.

10 "Internet service provider" or "provider" means any person,
11 business or organization qualified to do business in this State
12 that provides individuals, corporations, or other entities with
13 the ability to connect to the internet through equipment that is
14 located in this State."

15 SECTION 2. This Act shall take effect upon its approval.

16

INTRODUCED BY: *[Signature]*
[Signature] *[Signature]*
[Signature]



Report Title:

Public safety

Description:

Mandates that internet service providers and computer technicians report incidents of child pornography discovered during their course of business. Provides civil immunity for good faith disclosure to law enforcement authorities.

