

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass the A-Engrossed Measure
Vote: 5 - 0 - 0
Yeas: Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
Nays: 0
Exc.: 0
Prepared By: Bill Taylor, Counsel
Meeting Dates: 4/27

WHAT THE MEASURE DOES Requires a computer technician receiving compensation or processor of photographic images, whether receiving or not receiving compensation, who has reason to believe he or she has observed an image of a child involved in sexually explicit conduct, to report this fact to the CyberTipline at the National Center for Missing and Exploited Children, the Department of Human Services or law enforcement in the county where the image was observed. Requires the person to report the name and address, if known, of the person possessing the computer. Classifies the penalty as Class A misdemeanor. Absolves person from civil liability who in good faith reports an image involving a child.

ISSUES DISCUSSED:

- Protection from civil and criminal liability
- Reasonable person standard

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Currently, a person commits the crime of failing to report child pornography if the person, in the course of processing or producing a photograph, motion picture, videotape or other visual recording, either commercially or privately, has reasonable cause to believe that the visual recording depicts sexually explicit conduct of a child. The penalty is a Class A misdemeanor. This provision was first enacted in 1987. Since then, the technology of producing images, pictures and movies has made this provision obsolete. Very few people send pictures to camera shops or others to have them developed.