

Enrolled
House Bill 2463

Sponsored by Representative GELSER; Representatives BARKER, OLSON, Senators MONNES ANDERSON, VERGER (at the request of Oregon Telecommunications Association) (Presession filed.)

CHAPTER

AN ACT

Relating to reporting child pornography; amending ORS 163.693.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 163.693 is amended to read:

163.693. *[(1) A person commits the crime of failure 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 being processed or produced, or submitted for processing or production, depicts sexually explicit conduct involving a child and fails to report that fact to the appropriate law enforcement agency.]*

[(2) Failure to report child pornography is a Class A misdemeanor.]

(1) As used in this section:

(a) "Computer technician" means a person who repairs, installs or otherwise services a computer, computer network or computer system for compensation.

(b) "Processor of photographic images" means a person who develops, processes, reproduces, transfers, edits or enhances photographic film into negatives, slides, prints, movies, digital images or video.

(2) A processor of photographic images or a computer technician who reasonably believes the processor or technician has observed an image of a child involved in sexually explicit conduct shall report the name and address, if known, of the person requesting the processing or of the owner or person in possession of the computer, computer network or computer system to:

(a) The CyberTipline at the National Center for Missing and Exploited children;

(b) The local office of the Department of Human Services; or

(c) A law enforcement agency within the county where the processor or technician making the report is located at the time the image is observed.

(3) Nothing in this section requires a processor of photographic images or a computer technician to monitor any user, subscriber or customer or to search for prohibited materials or media.

(4) Any person, their employer or a third party complying with this section in good faith shall be immune from civil or criminal liability in connection with making the report, except for willful or wanton misconduct.

(5) A person commits the crime of failure to report child pornography if the person violates the provisions of this section.

(6) Failure to report child pornography is a Class A misdemeanor.

Passed by House March 15, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 9, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State