

House Bill 2463

Sponsored by Representative GELSER; Representatives BARKER, OLSON (at the request of Oregon Telecommunications Association) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies crime of failure to report child pornography. Requires processors of photographic images and computer technicians to report child pornography. Exempts good faith reporters from civil or criminal liability. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.

A BILL FOR AN ACT

1
2 Relating to reporting child pornography; amending ORS 163.693.

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

4 **SECTION 1.** ORS 163.693 is amended to read:

5 163.693. *[(1) A person commits the crime of failure to report child pornography if the person, in the*
6 *course of processing or producing a photograph, motion picture, videotape or other visual recording,*
7 *either commercially or privately, has reasonable cause to believe that the visual recording being pro-*
8 *cessed or produced, or submitted for processing or production, depicts sexually explicit conduct in-*
9 *volving a child and fails to report that fact to the appropriate law enforcement agency.]*

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

11 **(1) As used in this section:**

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

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

17 **(2) A processor of photographic images or a computer technician who, while acting within**
18 **the scope of employment or profession, reasonably believes the processor or technician has**
19 **observed an image of a child involved in sexually explicit conduct shall report the name and**
20 **address, if known, of the person requesting the processing or of the owner or person in**
21 **possession of the computer, computer network or computer system to:**

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

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

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

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

29 **(4) Any person, their employer or a third party complying with this section in good faith**
30 **shall be immune from civil or criminal liability in connection with making the report, except**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **for willful or wanton misconduct.**

2 **(5) A person commits the crime of failure to report child pornography if the person vio-**
3 **lates the provisions of this section.**

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

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