

## HOUSE AMENDMENTS TO RESOLVE CONFLICTS TO A-ENGROSSED SENATE BILL 803

By COMMITTEE ON JUDICIARY

June 2

1 On page 1 of the printed A-engrossed bill, line 3, after “163.693;” insert “repealing section 1,  
2 chapter 109, Oregon Laws 2011 (Enrolled House Bill 2463);”.

3 On page 4, after line 14, insert:

4 **“SECTION 11a. If House Bill 2463 becomes law, section 1, chapter 109, Oregon Laws 2011**  
5 **(Enrolled House Bill 2463) (amending ORS 163.693), is repealed and ORS 163.693, as amended**  
6 **by section 8 of this 2011 Act, is amended to read:**

7 “163.693. *[(1) A person commits the crime of failure to report child pornography if the person, in*  
8 *the course of processing or producing a visual recording, either commercially or privately, has rea-*  
9 *sonable cause to believe that the visual recording being processed or produced, or submitted for pro-*  
10 *cessing or production, depicts sexually explicit conduct involving a child and fails to report that fact*  
11 *to the appropriate law enforcement agency.]*

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

13 **“(1) As used in this section:**

14 **“(a) ‘Computer technician’ means a person who repairs, installs or otherwise services a**  
15 **computer, computer network or computer system for compensation.**

16 **“(b) ‘Processor of photographic images’ means a person who develops, processes, re-**  
17 **produces, transfers, edits or enhances photographic film into negatives, slides, prints, mov-**  
18 **ies, digital images or video.**

19 **“(2) A processor of photographic images or a computer technician who reasonably be-**  
20 **lieves the processor or technician has observed a visual recording of a child involved in**  
21 **sexually explicit conduct shall report the name and address, if known, of the person re-**  
22 **questing the processing or of the owner or person in possession of the computer, computer**  
23 **network or computer system to:**

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

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

26 **“(c) A law enforcement agency within the county where the processor or technician**  
27 **making the report is located at the time the visual recording is observed.**

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

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

34 **“(5) A person commits the crime of failure to report child pornography if the person vi-**  
35 **olates the provisions of this section.**

