

Hall of the House of Representatives
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of House Bill No. 1407

TO REQUIRE CERTAIN PERSONS TO REPORT TO LAW ENFORCEMENT KNOWLEDGE
THAT ANOTHER PERSON IS IN POSSESSION OF CHILD PORNOGRAPHY ON A
COMPUTER.

Amendment No. 1 to House Bill No. 1407

Amend House Bill No. 1407 as originally introduced:

Page 1, line 11 delete "COMPUTER;" and substitute "COMPUTER; TO PROVIDE FOR IMMUNITY FROM CIVIL LIABILITY;"

AND

Page 1, line 19 delete "COMPUTER" and substitute "COMPUTER AND TO PROVIDE FOR IMMUNITY FROM CIVIL LIABILITY"

AND

Page 1, delete Section 1 in its entirety and substitute:

"SECTION 1. Arkansas Code 5-27-604 is amended to read as follows:
5-27-604. Failure to report computer child pornography.

~~(a) A person commits failure to report computer child pornography if the person:~~

~~(1) Is the owner, operator, or employee of a computer online service, internet service, or bulletin board service; and~~

~~(2) Knowingly fails to notify a law enforcement official that a subscriber is using the computer online service, internet service, or bulletin board service to commit a violation of § 5-27-603.~~

(a)(1) A person commits failure to report computer child pornography if the person is the owner, operator, or employee of a computer online service, Internet service, or bulletin board service and knowingly fails to notify a law enforcement official that a subscriber is using the computer online service, Internet service, or bulletin board service to commit a violation of § 5-27-602 or § 5-27-603; or

~~(b)~~(2) Failure to report computer child pornography under subdivision (a)(1) of this section is a Class A misdemeanor.

(b) A person who engages in the business of repairing or maintaining a computer and who suspects that the owner or user of a computer possesses on the computer a picture, video, or other depiction of a minor in violation of



§ 5-27-602 or § 5-27-603 may notify a law enforcement agency or law enforcement officer of the existence of the picture, video, or other depiction of a minor in violation of § 5-27-602 or § 5-27-603."

AND

Page 2, line 11 add a new section to read as follows:

"SECTION 2. Arkansas Code Title 16, Chapter 120, Subchapter 1 is amended to add a new section to read as follows:

16-120-106. Immunity for certain persons reporting the existence of child pornography.

A person notifying a law enforcement agency of the existence of child pornography under § 5-27-604 is immune from civil liability or damages with respect to making the notification to the law enforcement agency."

The Amendment was read _____

By: Representative Hopper
BPG/AMH - 03/25/11 08:43
BPG455

Chief Clerk