

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/30/11

A Bill

HOUSE BILL 1407

5 By: Representative Hopper
6 By: Senator J. Key
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE CERTAIN PERSONS TO REPORT TO LAW
10 ENFORCEMENT KNOWLEDGE THAT ANOTHER PERSON IS IN
11 POSSESSION OF CHILD PORNOGRAPHY ON A *COMPUTER*; TO
12 *PROVIDE FOR IMMUNITY FROM CIVIL LIABILITY*; AND FOR
13 OTHER PURPOSES.
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Subtitle

17 TO REQUIRE CERTAIN PERSONS TO REPORT TO
18 LAW ENFORCEMENT KNOWLEDGE THAT ANOTHER
19 PERSON IS IN POSSESSION OF CHILD
20 PORNOGRAPHY ON A *COMPUTER AND TO PROVIDE*
21 *FOR IMMUNITY FROM CIVIL LIABILITY*.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 *SECTION 1. Arkansas Code 5-27-604 is amended to read as follows:*

27 *5-27-604. Failure to report computer child pornography.*

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

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

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

35 *(a)(1) A person commits failure to report computer child pornography*
36 *if the person is the owner, operator, or employee of a computer online*



1 service, Internet service, or bulletin board service and knowingly fails to
2 notify a law enforcement official that a subscriber is using the computer
3 online service, Internet service, or bulletin board service to commit a
4 violation of § 5-27-602 or § 5-27-603; or

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

7 (b) A person who engages in the business of repairing or maintaining a
8 computer and who suspects that the owner or user of a computer possesses on
9 the computer a picture, video, or other depiction of a minor in violation of
10 § 5-27-602 or § 5-27-603 may notify a law enforcement agency or law
11 enforcement officer of the existence of the picture, video, or other
12 depiction of a minor in violation of § 5-27-602 or § 5-27-603.

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

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

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

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23 /s/Hopper
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