

By: Turner of Tarrant, Harless, Eissler,
Parker, Thibaut

H.B. No. 2397

Substitute the following for H.B. No. 2397:

By: Ritter

C.S.H.B. No. 2397

A BILL TO BE ENTITLED

AN ACT

relating to requiring computer technicians to report images of
child pornography; providing a criminal penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, as
effective April 1, 2009, is amended by adding Chapter 107 to read as
follows:

CHAPTER 107. COMPUTER TECHNICIANS REQUIRED TO REPORT CHILD
PORNOGRAPHY

Sec. 107.001. DEFINITIONS. In this chapter:

(1) "Child pornography" means an image of a child
engaging in sexual conduct or sexual performance.

(2) "Computer technician" means an individual who, in
the course and scope of employment or business, installs, repairs,
or otherwise services a computer for a fee.

(3) "Sexual conduct" and "sexual performance" have the
meanings assigned by Section 43.25, Penal Code.

Sec. 107.002. REPORTING OF IMAGES OF CHILD PORNOGRAPHY.

(a) A computer technician who, in the course and scope of
employment or business, views an image on a computer that is or
appears to be child pornography shall immediately report the
discovery of the image to a local or state law enforcement agency or
the Cyber Tipline at the National Center for Missing and Exploited
Children. The report must include the name and address of the owner

1 or person claiming a right to possession of the computer, if known.

2 (b) A computer technician may not be held liable on account
3 of any action taken in good faith to comply with this section.

4 Sec. 107.003. CRIMINAL PENALTY. (a) A person who violates
5 this chapter commits an offense. An offense under this subsection
6 is a Class B misdemeanor.

7 (b) It is a defense to prosecution under this section that
8 the actor did not report the discovery of an image of child
9 pornography because the child in the image appeared to be at least
10 18 years of age.

11 SECTION 2. This Act takes effect September 1, 2009.