

By: Davis

S.B. No. 1108

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, is amended by adding Chapter 106 to read as follows:

CHAPTER 106. COMPUTER TECHNICIANS REQUIRED TO REPORT CHILD PORNOGRAPHY

Sec. 106.001. 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. 106.002. 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 or person claiming a right to possession of the computer, if known.

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

3 Sec. 106.003. CRIMINAL PENALTY. (a) A person who violates
4 this chapter commits an offense. An offense under this subsection
5 is a Class B misdemeanor.

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

10 SECTION 2. This Act takes effect September 1, 2011.