

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 27
Committee Substitute Favorable 3/27/07
Senate Judiciary I (Civil) Committee Substitute Adopted 6/26/07
Fourth Edition Engrossed 7/3/07

Short Title: Duty To Report Child Porn.

(Public)

Sponsors:

Referred to:

January 30, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A FILM AND PHOTOGRAPHIC PRINT PROCESSOR OR A COMPUTER TECHNICIAN WHO, IN THE PERSON'S SCOPE OF EMPLOYMENT, OBSERVES AN IMAGE OF A MINOR OR A PERSON WHO REASONABLY APPEARS TO BE A MINOR ENGAGING IN SEXUAL ACTIVITY MUST REPORT THE NAME OF THE PERSON REQUESTING THE PROCESSING OF THE FILM OR PHOTOGRAPHS OR IN POSSESSION OF THE COMPUTER TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN OR TO THE APPROPRIATE LOCAL LAW ENFORCEMENT OFFICER.

The General Assembly of North Carolina enacts:

SECTION 1. Article 13 of Chapter 66 is amended by adding a new section to read:

"§ 66-67.4. Film and photographic print processor or computer technician to report film or computer images containing pictures of a minor engaging in sexual activity.

(a) As used in this section:

- (1) "Computer technician" means any person who repairs, installs, or otherwise services any computer or computer network or system for compensation.
- (2) "Processor of photographic images" means any person who, for compensation: (i) develops exposed photographic film into negatives, slides, or prints; (ii) makes prints from negatives, slides, digital images, or video; or (iii) develops, processes, transfers, edits, or enhances video or digital images.
- (3) "Minor" has the same meaning as in G.S. 14-190.13.
- (4) "Sexual activity" has the same meaning as in G.S. 14-190.13.

1 **(b)** Any processor of photographic images or any computer technician who,
2 within the person's scope of employment, observes an image of a minor or a person who
3 reasonably appears to be a minor engaging in sexual activity shall report the name and
4 address of the person requesting the processing of the film or photographs or the owner
5 or person in possession of the computer or computer network or system to the Cyber
6 Tip Line at the National Center for Missing and Exploited Children or to the appropriate
7 law enforcement official in the county or municipality in which the image or film was
8 submitted.

9 **(c)** An employee of a processor of photographic images or computer technician
10 may satisfy the requirements of this section by reporting the required information to a
11 person designated by the employer. The person designated by the employer shall then
12 report as required by subsection (b) of this section.

13 **(d)** Any person, their employer, or a third party complying with this section in
14 good faith shall be immune from any civil or criminal liability that might otherwise be
15 incurred as a result of the report. In any proceeding involving liability, good faith is
16 presumed."

17 **SECTION 2.** This act becomes effective September 1, 2007.