



Judiciary II - Criminal Law Committee

Filed: 3/13/2008

09500HB4578ham001

LRB095 15947 DRJ 47637 a

1 AMENDMENT TO HOUSE BILL 4578

2 AMENDMENT NO. _____. Amend House Bill 4578 by replacing
3 the title with the following:

4 "Section 5. The Abused and Neglected Child Reporting Act is
5 amended by adding Section 4.5 as follows:

6 (325 ILCS 5/4.5 new)

7 Sec. 4.5. Electronic and information technology workers;
8 reporting child pornography.

9 (a) In this Section:

10 "Child pornography" means child pornography as described
11 in Section 11-20.1 of the Criminal Code of 1961.

12 "Electronic and information technology equipment" means
13 equipment used in the creation, manipulation, storage,
14 display, or transmission of data, including internet and
15 intranet systems, software applications, operating systems,

1 video and multimedia, telecommunications products, kiosks,
2 information transaction machines, copiers, printers, and
3 desktop and portable computers.

4 "Electronic and information technology equipment worker"
5 means a person who in the scope and course of his or her
6 employment or business installs, repairs, or otherwise
7 services electronic and information technology equipment for a
8 fee but does not include (i) an employee, independent
9 contractor, or other agent of a telecommunications carrier or
10 telephone or telecommunications cooperative, as those terms
11 are defined in the Public Utilities Act, or (ii) an employee,
12 independent contractor, or other agent of a provider of
13 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

14 (b) If an electronic and information technology equipment
15 worker discovers any depiction of child pornography while
16 installing, repairing, or otherwise servicing an item of
17 electronic and information technology equipment, that worker
18 or the worker's employer shall immediately report the discovery
19 to the local law enforcement agency or to the Cyber Tipline at
20 the National Center for Missing & Exploited Children.

21 (c) If a report is filed in accordance with the
22 requirements of 42 U.S.C. 13032, the requirements of this
23 Section 4.5 will be deemed to have been met.

24 (d) An electronic and information technology equipment
25 worker who reports a discovery of child pornography as required
26 under this Section is immune from any criminal, civil, or

1 administrative liability in connection with making the report,
2 except for willful or wanton misconduct.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".