

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1057 Session of  
2007

INTRODUCED BY ORIE, BROWNE, COSTA, KASUNIC, RAFFERTY AND REGOLA,  
AUGUST 30, 2007

REFERRED TO JUDICIARY, AUGUST 30, 2007

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for an offense relating to  
3 the disclosure of certain obscene materials.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 5903.1. Disclosure of obscene materials containing minors.

9 (a) Offense.--Any commercial film and photographic print  
10 processor or commercial computer technician who has knowledge of  
11 or observes, within the scope of such person's professional  
12 capacity or employment, any film, photograph, video tape,  
13 negative, or slide, or any computer file, recording, CD-ROM,  
14 magnetic disk memory, magnetic tape memory, picture, graphic or  
15 image that is intentionally saved, transmitted or organized on  
16 hardware or any other media including, but not limited to, CDs,  
17 DVDs and thumbdrives, whether digital, analog or other means and  
18 whether directly viewable, compressed or encoded depicting a

1 child 17 years of age or younger engaged in an act of sexual  
2 conduct shall report such instance of suspected child  
3 pornography to the law enforcement agency having jurisdiction  
4 over the case within 36 hours of making such observation or  
5 obtaining such knowledge.

6 (b) Penalty.--Any person who violates the provisions of this  
7 section, commits a misdemeanor and shall, upon conviction, pay a  
8 fine of not more than \$500 or to imprisonment for not more than  
9 one year, or both.

10 (c) Identity.--The identity of the computer technician shall  
11 be confidential, subject to disclosure only with their consent  
12 or by judicial process.

13 (d) Civil liability.--If the computer technician acted in  
14 good faith, he or she shall be immune from civil liability that  
15 might otherwise be incurred by their actions. This immunity  
16 extends only to acts described in this subsection.

17 (e) Construction.--Nothing in this section shall be  
18 construed to require or authorize any person to act outside the  
19 scope of such person's professional capacity or employment by  
20 searching for prohibited materials or media.

21 (f) Definitions.--As used in this section, the following  
22 words and phrases shall have the meanings given to them in this  
23 subsection:

24 "Commercial computer technician." Any person who repairs,  
25 installs or otherwise services any computer, including, but not  
26 limited to, any component part, device, memory storage or  
27 recording mechanism, auxiliary storage, recording or memory  
28 capacity or any other materials relating to the operation and  
29 maintenance of a computer or computer network or system, for  
30 compensation. The term shall also include any employee of such

1 person.

2       "Commercial film and photographic print processor." Any  
3 person who develops exposed photographic film into negatives,  
4 slides or prints or who makes prints from negatives or slides,  
5 for compensation. The term shall also include any employee of  
6 such a person but shall not include a person who develops film  
7 or makes prints for a public agency.

8       Section 2. This act shall take effect in 60 days.