

1268 (a) any entity or an employee, director, officer, or agent of an entity when acting within
1269 the scope of employment, for the good faith performance of:

1270 (i) reporting or data preservation duties required under any federal or state law; or

1271 (ii) implementing a policy of attempting to prevent the presence of child pornography
1272 on any tangible or intangible property, or of detecting and reporting the presence of child
1273 pornography on the property; or

1274 (b) any law enforcement officer acting within the scope of a criminal investigation.

1275 Section 17. Section **76-5b-202** is enacted to read:

1276 **76-5b-202. Sexual exploitation of a vulnerable adult -- Offenses.**

1277 (1) A person is guilty of sexual exploitation of a vulnerable adult if the person:

1278 (a) (i) (A) knowingly produces, possesses, or possesses with intent to distribute

1278a **Ĥ→ material that the person knows is ←Ĥ**

1279 vulnerable adult pornography; or

1280 (B) intentionally distributes or views Ĥ→ material that the person knows is ←Ĥ

1280a vulnerable adult pornography; and

1281 (ii) the vulnerable adult who appears in, or is depicted in, the vulnerable adult
1282 pornography lacks capacity to consent to the conduct described in Subsection (1)(a); or

1283 (b) is a vulnerable adult's legal guardian and knowingly consents to, or permits the
1284 vulnerable adult to be, sexually exploited as described in Subsection (1)(a).

1285 (2) Sexual exploitation of a vulnerable adult is a third degree felony.

1286 (3) It is a separate offense under this section:

1287 (a) for each vulnerable adult depicted in the vulnerable adult pornography; and

1288 (b) for each time the same vulnerable adult is depicted in different vulnerable adult
1289 pornography.

1290 (4) It is an affirmative defense to a charge of violating this section that no vulnerable
1291 adult was actually depicted in the visual depiction or used in producing or advertising the
1292 visual depiction.

1293 (5) In proving a violation of this section in relation to an identifiable vulnerable adult,
1294 proof of the actual identity of the identifiable vulnerable adult is not required.

1295 (6) This section may not be construed to impose criminal or civil liability on:

1296 (a) any entity or an employee, director, officer, or agent of an entity, when acting
1297 within the scope of employment, for the good faith performance of:

1298 (i) reporting or data preservation duties required under any federal or state law; or