



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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January 30, 2009

Mr. Speaker:

The Judiciary Committee reports a favorable recommendation on **H.B. 97**, SEXUAL EXPLOITATION OF A MINOR, by Representative R. Bigelow, with the following amendments:

1. *Page 1, Line 13:*

13 child pornography ; and
▶ provides that entities, their employees, and law enforcement officers who are acting in good faith to investigate, monitor for, or report child pornography are not considered to have violated any civil or criminal provision regarding sexual exploitation of a minor .

2. *Page 1, Line 26 through Page 2, Line 28:*

26 (a) when the person ;
(i) knowingly produces, ~~{ distributes, views, }~~ possesses, or possesses
27 with intent to distribute ~~{,}~~ child pornography; or
(ii) intentionally distributes or views child pornography; or
28 (b) if the person is a minor's parent or legal guardian and knowingly consents to or

3. *Page 2, Line 38:*

38 the visual depiction. =
(5) This section may not be construed to impose criminal or civil liability on:
(a) any entity or an employee, director, officer, or agent of an entity when acting
within the scope of employment, for the good faith performance of:
(i) reporting or data preservation duties required under any federal or state law;
or

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(i) implementing a policy of attempting to prevent the presence of child pornography on any tangible or intangible property, or of detecting and reporting the presence of child pornography on the property; or
(b) any law enforcement officer acting within the scope of a criminal investigation.

Respectfully,

Lorie D. Fowlke
Committee Chair

Voting: 12-0-1

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