

1st Sub. H.B. 71
DISTRIBUTION OF INTIMATE IMAGES

Senator **Stephen H. Urquhart** proposes the following amendments:

1. Page 3, Line 75 through Page 3a, Line 78u

House Floor Amendments

2-14-2014:

- 75 ~~H → { (4) This section does not impose liability on an interactive computer service, as defined~~
76 ~~in 47 U.S.C. Sec. 230(f)(2), an information service, as defined in 47 U.S.C. Sec. 153, or a~~
77 ~~telecommunication service, as defined by Section 76-6-409.5, for content that any of these~~
78 ~~entities provide to another person.}~~
78a ~~— (4) (a) This section does not apply to an Internet service provider, as defined in Section~~
78b ~~76-10-1230, if:~~
78c ~~— (i) the distribution of an intimate image by the Internet service provider occurs only~~
78d ~~incidentally through the Internet service provider's function of:~~
78e ~~— (A) transmitting or routing data from one person to another person; or~~
78f ~~— (B) providing a connection between one person and another person;~~
78g ~~— (ii) the Internet service provider does not intentionally aid or abet in the distribution of~~
78h ~~an intimate image; and~~
78i ~~— (iii) the Internet service provider does not knowingly receive funds from or through a~~
78j ~~person who distributes an intimate image in exchange for permitting the person to distribute an~~
78k ~~intimate image.}~~
78l ~~{ (b) This section does not apply to a hosting company, as defined in~~
78m ~~Section 76-10-1230, if:~~
78n ~~— (i) the distribution of an intimate image by the hosting company occurs only~~
78o ~~incidentally through the hosting company's function of providing data storage space or data~~
78p ~~caching to a person;~~
78q ~~— (ii) the hosting company does not intentionally engage, aid, or abet in the distribution~~
78r ~~of an intimate image; and~~
78s ~~— (iii) the hosting company does not knowingly receive funds from or through a person~~
78t ~~who distributes an intimate image in exchange for permitting the person to distribute, store, or~~
78u ~~cache an intimate image. ← H }~~

2. Page 3a, Line 79

Senate Committee Amendments

2-25-2014:

(4) (a) This section does not apply to an Internet service provider, as defined in 47 U.S.C. Sec 230(f)(2), a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:

(i) the distribution of an intimate image by the Internet service provider occurs only incidentally through the provider's function of:

(A) transmitting or routing data from one person to another person; or

(B) providing a connection between one person and another person;

(ii) the provider does not intentionally aid or abet in the distribution of the intimate image; and

(iii) the provider does not knowingly receive from or through a person who distributes the intimate image a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute the intimate image.

(b) This section does not apply to a hosting company, as defined in Section 76-10-1230, if:

(i) the distribution of an intimate image by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;

(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the intimate image; and

(iii) the hosting company does not knowingly receive from or through a person who distributes the intimate image a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute, store, or cache the intimate image.

(c) A service provider, as defined in Section 76-10-1230, is not negligent under this section if it complies with Section 76-10-1231.