

26 None

27 **Utah Code Sections Affected:**

28 ENACTS:

29 **76-10-1204.5**, Utah Code Annotated 1953



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **76-10-1204.5** is enacted to read:

33 **76-10-1204.5. Reporting of child pornography by a computer technician.**

34 (1) As used in this section:

35 (a) "Child pornography" means the same as that term is defined in Section 76-5b-103.

36 (b) "Computer technician" or "technician" means an individual who in the course and  
37 scope of the individual's employment for compensation installs, maintains, troubleshoots,  
38 upgrades, or repairs computer hardware, software, personal computer networks, or peripheral  
39 equipment.

40 (c) "Image" means an image of child pornography or an image that a computer  
41 technician reasonably believes is child pornography.

42 (2) (a) A computer technician who ~~H~~→ **in the course of employment for**  
43a **compensation** ←~~H~~ views an image on a computer or other electronic  
43 device that is or appears to be child pornography shall immediately report the finding of the  
44 image to:

45 (i) a state or local law enforcement agency, or the Cyber Tip Line at the National  
46 Center for Missing and Exploited Children; or

47 (ii) an employee designated by the employer of the computer technician in accordance  
48 with Subsection (3).

49 (b) A computer technician who willfully does not report an image as required under  
50 Subsection (2)(a) is guilty of a class B misdemeanor.

51 (c) The identity of the computer technician who reports an image shall be confidential,  
52 except as necessary for the criminal investigation and the judicial process.

53 (d) If the computer technician makes a report under this section in good faith, the  
54 technician is immune from any criminal or civil liability related to reporting the image.

55 (e) It is a defense to prosecution under this section that the computer technician did not  
56 report the image because the technician reasonably believed the image did not depict a person