

1 AMENDMENT TO HOUSE BILL 14

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 14, AS AMENDED, as  
3 follows:

4 by replacing everything after the enacting clause with the  
5 following:

6 "Section 5. The Criminal Code of 1961 is amended by  
7 changing Section 11-20.2 as follows:

8 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

9 Sec. 11-20.2. Images of child pornography.

10 (a) Any commercial film and photographic print processor  
11 or person whose principal business is to service or repair  
12 computers who has knowledge of or observes, within the scope  
13 of his or her professional capacity or employment, any film,  
14 photograph, videotape, negative, ~~or~~ slide, or computer image  
15 which depicts a child whom the processor or person whose  
16 principal business is to service or repair computers  
17 determines ~~knows--or--reasonably-should-knew~~ to be under the  
18 age of 18 where such child is:

19 (i) actually or by simulation engaged in any act of  
20 sexual intercourse with any person or animal; or

21 (ii) actually or by simulation engaged in any act of

1 sexual contact involving the sex organs of the child and the  
2 mouth, anus, or sex organs of another person or animal; or  
3 which involves the mouth, anus or sex organs of the child and  
4 the sex organs of another person or animal; or

5 (iii) actually or by simulation engaged in any act of  
6 masturbation; or

7 (iv) actually or by simulation portrayed as being the  
8 object of, or otherwise engaged in, any act of lewd fondling,  
9 touching, or caressing involving another person or animal; or

10 (v) actually or by simulation engaged in any act of  
11 excretion or urination within a sexual context; or

12 (vi) actually or by simulation portrayed or depicted as  
13 bound, fettered, or subject to sadistic, masochistic, or  
14 sadomasochistic abuse in any sexual context; shall report  
15 such instance to an appropriate State, local, or federal law  
16 enforcement agency or to a federal law enforcement agency as  
17 defined under 18 U.S.C. 2252. For the purposes of this  
18 Section, actual notice shall mean written or electronic  
19 notification received by the appropriate department of the  
20 Interactive computer service provider a--peace--offieer  
21 immediately-or-as-soon-as-possible. Failure to make such  
22 report is shall--be a petty business offense with a fine of  
23 \$1,000.

24 (a-5) A commercial computer technician, management  
25 information technician, or Interactive computer service  
26 employee shall be forever held harmless from any civil  
27 liability for his or her reasonable compliance with the  
28 provisions of the Section, except for willful and wanton  
29 behavior.

30 (b) In this Section:

31 "Computer" has the meaning ascribed to it in Section  
32 16D-2 of this Code.

33 "Internet" means the international computer network of  
34 both federal and non-federal interoperable packet switched

1 data networks, and also includes, but is not limited to, a  
2 World Wide Web page, newsgroup, message board, mailing list,  
3 or chat area on any interactive computer service or system or  
4 other online service.

5 "Interactive computer service" means any service whose  
6 principal business is to provide or enable computer access  
7 via the Internet by multiple users to a computer server or  
8 similar device used for storage of graphic, video, or images.

9 (Source: P.A. 84-1280.)".