

HB 756 -- Child Pornography

Co-Sponsors: Jetton, Crowell, Hunter, Bearden

This bill creates the crime of failure to remove access to child pornography, a class D felony. A person commits the crime by providing access to the Internet as an Internet service provider and failing to remove access to child pornography via its service within 15 days of being ordered to remove the child pornography by the Attorney General.

County prosecutors will have concurrent jurisdiction with the Attorney General to prosecute the crime.

The bill sets forth a process by which the Attorney General or prosecutor must file an application with the court demonstrating probable cause that the crime has been committed. The court may issue an ex parte order authorizing the removal of the child pornography. The Attorney General will then notify the Internet service provider that the child pornography must be removed within 15 days.

The Attorney General must file a report each year with the General Assembly providing the number of notices issued and prosecutions made for the offense.