
OLR Bill Analysis

sHB 7002

AN ACT CONCERNING THE INCLUSION OF CAMERA, COMPUTER AND CELLULAR MOBILE TELEPHONE REPAIR PERSONNEL AS MANDATED REPORTERS.

SUMMARY

This bill adds to the statutory list of mandated reporters of child abuse and neglect anyone age 18 or older who is employed to repair a camera, computer, cell phone, or other mobile electronic device. Mandated reporters are generally required to report suspected child abuse or neglect to the Department of Children and Families or law enforcement within prescribed timeframes. A mandated reporter who fails to comply with the law's mandated reporter responsibilities is subject to criminal penalties. However, if one of the individuals the bill adds to the state's list of mandated reporters makes a report in compliance with federal child pornography and exploitation law instead of the state's mandated reporter law, he or she is deemed not guilty of failure to report (see BACKGROUND).

The bill additionally requires the Secretary of the State (SOTS), by April 1, 2020, to notify each domestic corporation required by law to annually report with the office, that starting October 1, 2020, anyone age 18 or older who is employed to repair a camera, computer, cell phone, or other mobile electronic device is a mandated reporter of child abuse and neglect. SOTS may provide such notice by email.

EFFECTIVE DATE: October 1, 2020

BACKGROUND

Federal Law

Under the federal law, a provider (i.e., an electronic communication or remote computing service) must report specified information as soon as reasonably possible to the National Center for Missing and

Exploited Children’s Cyber Tipline when, in the course of their work, they obtain knowledge of a violation of one or more federal laws related to child sexual exploitation, selling or buying children, child pornography, misleading domain names (e.g., using a seemingly innocuous domain name to mislead a person into viewing pornography), or producing a sexually explicit depiction of a minor for import into the United States. The provider may also report to the Tipline if the facts or circumstances indicate that the violation of one of the above crimes is pending or imminent (18 U.S.C. § 2258A).

For these purposes:

1. an “electronic communication service” is a service that provides a user the ability to send or receive wire or electronic communications and
2. a “remote computing service” provides computer storage or processing services through an electronic communications system (18 U.S.C. §§ 2510 & 2711).

A provider that knowingly and willfully fails to report as required under this law is subject to fines of up to \$150,000 for a first offense and up to \$300,000 for subsequent offenses.

Mobile Electronic Device

By law, a mobile electronic device is any hand-held or other portable electronic equipment that can provide data communication between two or more people, including a text messaging or paging device, personal digital assistant, laptop, equipment that can play a video game or digital video disk, or equipment that takes or transmits digital photographs, or any combination thereof. It does not include any audio equipment or motor vehicle equipment used for navigation, emergency assistance, or passenger video entertainment (CGS § 14-296aa).

Failure to Report

By law, a mandated reporter of child abuse or neglect who fails to fulfill his or her reporting requirements within the prescribed

timeframes commits a class A misdemeanor, punishable by up to one year in prison, up to a \$2,000 fine, or both. But failure to report is a class E felony, punishable by up to three years in prison, up to a \$3,500 fine, or both, if (1) the failure is not the first such violation; (2) the violation was willful, intentional or due to gross negligence; or (3) the person had actual knowledge that a child was abused, neglected, or the victim of sexual abuse by a school employee (CGS § 17a-101a(b)(1)).

COMMITTEE ACTION

Committee on Children

Joint Favorable Substitute

Yea 14 Nay 0 (03/07/2019)