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## CHILD PORNOGRAPHY: REQUIRE FILM PROCESSORS TO REPORT

### House Bill 4212

Sponsor: Rep. Gloria Schermesser

Committee: Criminal Law and  
Corrections

Complete to 3-10-99

### A SUMMARY OF HOUSE BILL 4212 AS INTRODUCED 2-9-99

The bill would amend the portion of the Penal Code that deals with "child sexually abusive materials" (that is, child pornography) to require a commercial film processor to report child pornography to the local prosecuting attorney. Under current law, a commercial film processor who reports to the local prosecuting attorney an instance of child pornography discovered during the course of processing film is given confidentiality and, if the report was made in good faith, immunity from civil liability.

Under the bill, a film processor who, during the course of his or her work, observed or had knowledge of what he or she had reason to know or believe was child pornography would be required to make an immediate oral report to the prosecuting attorney. The film processor would then be required to submit a written report, including a copy of the alleged child pornography, within 72 hours after gaining knowledge of or observing the allegedly pornographic material. The film processor would be required to follow the prosecuting attorney's instructions on how to deal with the original materials. A film processor would not be criminally liable for any actions taken under instructions from the prosecuting attorney.

The bill would strengthen the current provision granting immunity from civil liability by creating a presumption that a film processor who reported an incidence of alleged child pornography had acted in good faith if he or she had complied with the law. A film processor who failed to report child pornographic materials as required by the bill would be guilty of a misdemeanor and could be imprisoned for no more than 90 days and/or a fine of no more than \$100.

MCL 750.145c

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.