

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO AN INTERACTIVE COMPUTER SERVICE PROVIDER IF:

1. FEDERAL LAW EXPRESSLY PROVIDES FOR OR PERMITS THE REFERRAL OF A REPORT OF AN ITEM OF CHILD PORNOGRAPHY TO A STATE OR LOCAL LAW ENFORCEMENT AGENCY; AND

2. THE INTERACTIVE COMPUTER SERVICE PROVIDER COMPLIES WITH THE FEDERAL LAW.

(2) AN INTERACTIVE COMPUTER SERVICE PROVIDER WHO KNOWINGLY AND WILLFULLY FAILS TO REPORT THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(I) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$5,000;

(II) FOR A SECOND VIOLATION, A FINE NOT EXCEEDING \$20,000;  
AND

(III) FOR EACH SUBSEQUENT VIOLATION, A FINE NOT EXCEEDING \$30,000.

(I) AN INTERACTIVE COMPUTER SERVICE PROVIDER WHO WILLFULLY VIOLATES SUBSECTION (F) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$5,000;

(2) FOR A SECOND VIOLATION, A FINE NOT EXCEEDING \$20,000; AND

(3) FOR EACH SUBSEQUENT VIOLATION, A FINE NOT EXCEEDING \$30,000.

(J) AN INTERACTIVE COMPUTER SERVICE PROVIDER WHO WILLFULLY VIOLATES SUBSECTION (F) OR (H) OF THIS SECTION MAY BE PROSECUTED, INDICTED, TRIED, AND CONVICTED IN ANY COUNTY IN OR THROUGH WHICH:

(1) THE INTERACTIVE COMPUTER SERVICE PROVIDER PROVIDES ACCESS TO THE INTERNET;

(2) ANY COMMUNICATION FROM THE INTERACTIVE COMPUTER SERVICE PROVIDER TRAVELED; OR

(3) THE COMMUNICATION FROM THE INTERACTIVE COMPUTER SERVICE PROVIDER ORIGINATED OR TERMINATED.

(K) (1) THIS SECTION DOES NOT IMPOSE A DUTY ON AN INTERACTIVE COMPUTER SERVICE PROVIDER ACTIVELY TO MONITOR ITS SERVICE OR AFFIRMATIVELY TO SEEK EVIDENCE OF AN ITEM OF CHILD PORNOGRAPHY ON ITS SERVICE.

(2) THIS SECTION DOES NOT APPLY TO THE INTERACTIVE COMPUTER SERVICE PROVIDER'S TRANSMISSION OR ROUTING OF, OR INTERMEDIATE