

Robert L. Ehrlich, Jr.
Governor

Senate Bill No. 720

AN ACT concerning

Crimes - Internet Child Pornography - Removal

FOR the purpose of requiring an investigative or law enforcement officer who receives information that an item of alleged child pornography resides on a server or other storage device controlled or owned by an interactive computer service provider to contact the provider and request the provider's voluntary compliance in removing the item within a certain period of time; requiring the officer to apply for a court order if the provider does not voluntarily remove the item; specifying certain information to be included in the application for a court order; establishing the provider's right to a hearing on the application; requiring a provider who is served with a court order that a certain item of child pornography residing on its service to persons in the State shall be removed to comply with the order within a certain period; specifying the content of the court order; establishing a procedure for issuing and serving the court order; authorizing a provider to petition the court for relief for cause from the order on certain grounds; requiring a provider who has notice that an item of child pornography resides on a server or other storage device controlled or owned by the provider and located in the State or pertains to a user residing in the State to report the item's location to the State Police; providing a certain exception to the reporting requirement; providing a criminal penalty for willful failure to provide certain information to the State Police; providing a criminal penalty for failure to remove a certain item of child pornography from a certain server or other storage device; providing that this Act does not impose a certain duty on the provider actively to monitor its server or other storage device for a certain item of child pornography; providing that this Act does not apply to the transmission, routing, or temporary storage of certain images or information by a provider; providing an interactive computer service provider with immunity from certain civil liability for complying with certain provisions of law; providing venue for the prosecution of an action against a provider; defining certain terms; and generally relating to interactive computer service providers and child pornography.

BY repealing and reenacting, without amendments,
Article - Courts and Judicial Proceedings
Section 10-402(c)(2)(i) and 10-406(b)
Annotated Code of Maryland
(2002 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, with amendments,
Article - Courts and Judicial Proceedings
Section 10-402(c)(2)(ii)1.F. and 10-406(a)(3)