

(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 TEMPORARY STORAGE OR CACHING OF, AN IMAGE, INFORMATION, OR DATA THAT OTHERWISE IS SUBJECT TO THIS SECTION.

(L) AN INTERACTIVE COMPUTER SERVICE PROVIDER MAY NOT BE HELD LIABLE FOR ANY ACTION TAKEN IN GOOD FAITH TO COMPLY WITH THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2004.