HOUSE COMMITTEE OF REFERENCE REPORT

_____ April 30, 2019
Chair of Committee Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB19-1334 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

Amend printed bill, page 2, strike lines 7 through 12 and substitute "**definitions.** (1) A PERSON COMMITS THE OFFENSE OF POSTING AN IMAGE OF SUICIDE OF A MINOR IF THE PERSON INTENTIONALLY POSTS OR DISTRIBUTES THROUGH THE USE OF SOCIAL MEDIA OR ANY WEBSITE, OR DISSEMINATES THROUGH OTHER MEANS, AN IMAGE OF A MINOR ATTEMPTING SUICIDE, DYING BY SUICIDE, OR HAVING DIED BY SUICIDE, WITH THE INTENT TO HARASS, INTIMIDATE, OR COERCE ANY PERSON, AND THE POSTING OR DISTRIBUTION RESULTS IN SERIOUS EMOTIONAL DISTRESS TO ANY PERSON.

(2) POSTING AN IMAGE OF SUICIDE OF A MINOR IS A CIVIL INFRACTION AND IS PUNISHABLE BY A PENALTY OF ONE HUNDRED DOLLARS PER VIOLATION, EXCEPT THAT POSTING AN IMAGE OF SUICIDE OF A MINOR IS A CLASS 3 MISDEMEANOR IF THE PERSON WAS THE FIRST OR ORIGINAL PERSON TO POST, DISTRIBUTE, OR DISSEMINATE THE IMAGE.".

Page 2, after line 22 insert:

"(4) IT IS NOT AN OFFENSE UNDER THIS SECTION IF THE POSTING OR DISTRIBUTION OF THE IMAGE IS A FICTIONAL WORK OR A DOCUMENTARY; OR IS RELATED TO A MATTER OF PUBLIC INTEREST OR PUBLIC CONCERN; OR RELATED TO THE REPORTING OF UNLAWFUL CONDUCT; OR THE LAWFUL AND COMMON PRACTICES OF LAW ENFORCEMENT, CRIMINAL REPORTING, LEGAL PROCEEDINGS, OR MEDICAL TREATMENT.".

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