

**NetChoice** *Promoting Convenience, Choice, and Commerce on The Net*

Carl Szabo, Senior Policy Counsel  
1401 K St NW, Suite 502  
Washington, DC 20005  
202-420-7485  
[www.netchoice.org](http://www.netchoice.org)



Committee on Children  
State Capitol Building, Room 011  
Hartford, CT 06106

February 8, 2017

*RE: HB 5402 — An Act Concerning Camera, Computer and Cellular Mobile Telephone Repair Personnel as Mandated Reporters.*

Dear Chairmen Urban, Moore, and Suzio and members of the Committee on Children,

We ask that you amend HB 5402 so that it best protects the children of Connecticut.

We agree with the requirement to report. However, we worry that without the amendments below, HB 5402 may undermine existing systems that protect Connecticut's children.

Today, services across the state of Connecticut dedicate resources and employees to the protection of children. Many of these services work with the National Center for Missing & Exploited Children (NCMEC). But unnecessary distortions to this process may create reporting disruptions.

California imposes similar requirements to HB 5402. California law treats "computer technicians" as mandated reporters.<sup>1</sup> However, the California law also recognizes that to best protect children, sometimes reporting should be done through established, effective, and trusted alternative processes. To that end, the California law allows reporting to NCMEC by "computer technicians" or their employers to satisfy the reporting requirements.

We suggest that Connecticut take the same successful approach as California by adding the following language to HB 5402:

(39) ~~commercial film and photographic print or image processor any person employed to repair a camera, computer or cellular mobile telephone~~ and (40) commercial computer technician.

(c) As used in this Section, commercial film and photographic print or image processor means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(d) As used in this Section, commercial computer technician means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or

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<sup>1</sup> Cal. Pen. Code § 11165.7.

recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee.

(e) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this Section. These procedures may direct employees who are mandated reporters under this Section to report materials described in subsection (d) to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this Section. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this Section.

...

(h) An electronic communications service or a remote computing service to the public shall be deemed to comply with this Section if it complies with Section 2258A of Title 18 of the United States Code.

This amendment will allow HB 5402 to best protect Connecticut children.

Thank you for considering our views and please let me know if we can provide further information.

Sincerely,



Carl Szabo  
Senior Policy Counsel, NetChoice

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