

2010 Bill 202

Third Session, 27th Legislature, 59 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 202

MANDATORY REPORTING OF CHILD PORNOGRAPHY ACT

MRS. FORSYTH

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 202

2010

MANDATORY REPORTING OF CHILD PORNOGRAPHY ACT

(Assented to _____, 2010)

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of Alberta, enacts as follows:

Definitions

1(1) In this Act,

- (a) “child pornography” means child pornography as defined in the *Criminal Code* (Canada);
- (b) “director” means a person designated as a director pursuant to the *Child, Youth and Family Enhancement Act*;
- (c) “informant” means a person reporting information pursuant to section 2;
- (d) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (e) “reporting entity” means an organization or person designated as a reporting entity by the regulations.

Duty to report

2(1) Any person who has reasonable and probable grounds to believe that a representation or material is child pornography shall immediately report the matter to a reporting entity.

(2) Subsection (1) applies notwithstanding that the information on which the belief is founded is confidential and its disclosure is prohibited under any other Act.

(3) This section does not apply to information that is privileged as a result of a solicitor–client relationship.

Seeking out child pornography not required or authorized

3 Nothing in this Act requires or authorizes a person to seek out child pornography.

Duties of reporting entity

4 If a reporting entity after reviewing a report made under section 2 believes that the representation or material is or might be child pornography, it shall report the matter to a director or a police service, or to both as necessary, and take any further action as may be set out in the regulations.

No action

5 No action lies against a person for reporting information pursuant to section 2, including a person who reports information referred to in section 2(3), unless the reporting is done falsely and maliciously.

Identity of informant

6 Except as required in the course of judicial proceedings, or otherwise by law, or with the written consent of the informant, no person shall disclose the identity of an informant.

Interference with informant

7 No person shall dismiss, suspend, demote, discipline, harass or otherwise disadvantage an informant.

Offences and penalties

8(1) Any person who contravenes section 2(1), 6 or 7 is guilty of an offence and liable to a fine of not more than \$10 000 or to imprisonment for not more than 2 years, or to both the fine and imprisonment.

(2) Any person who falsely and maliciously reports to a reporting entity that a representation or material is child pornography is guilty of an offence and liable to a fine of not more than \$10 000 or to

imprisonment for not more than 2 years, or to both the fine and the imprisonment.

Report

9(1) A reporting entity that obtains information on child pornography under section 2(1) must prepare and submit an annual report to the Minister on its activities and actions under this Act.

(2) The Minister must table a copy of a report under subsection (1) within 15 days of receiving it if the Assembly is sitting or, if it is not, within 15 days after the start of the next sitting.

Regulations

10 The Lieutenant Governor in Council may make regulations

- (a) designating one or more organizations or persons as reporting entities;
- (b) respecting the making of a report under section 2;
- (c) respecting the making of a report under section 4;
- (d) prescribing the duties of a reporting entity.

Coming into force

11 This Act comes into force on July 1, 2010.

