

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB25-288 be amended as follows:

1 Amend printed bill, page 3, after line 11 insert:

2 "(1) "BROADCASTER" MEANS AN ENTITY THAT OPERATES A
3 LICENSED AM, FM, OR TELEVISION BROADCAST FACILITY UNDER THE
4 JURISDICTION OF THE FEDERAL COMMUNICATIONS COMMISSION,
5 INCLUDING A DIGITAL PLATFORM OWNED AND OPERATED BY THE ENTITY."

6 Renumber succeeding subsections accordingly.

7 Page 10, after line 2 insert:

8 "(6) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART
9 15, A BROADCASTER IS NOT LIABLE PURSUANT TO THIS PART 15 SOLELY
10 FOR THE BROADCAST, REBROADCAST, OR PUBLICATION OF THIRD-PARTY
11 CONTENT THAT CONTAINS OR IS ALLEGED TO CONTAIN AN INTIMATE
12 DIGITAL DEPICTION IF THE BROADCASTER:

13 (I) DID NOT CREATE, ALTER, OR MATERIALLY CONTRIBUTE TO THE
14 DEVELOPMENT OF THE INTIMATE DIGITAL DEPICTION;

15 (II) LACKED ACTUAL KNOWLEDGE THAT THE CONTENT WAS AN
16 INTIMATE DIGITAL DEPICTION THAT THE DEPICTED INDIVIDUAL DID NOT
17 CONSENT TO HAVE DISCLOSED; AND

18 (III) UPON OBTAINING THE ACTUAL KNOWLEDGE DESCRIBED IN
19 SUBSECTION (6)(a)(II) OF THIS SECTION, ACTED PROMPTLY AND IN GOOD
20 FAITH TO REMOVE, CEASE FURTHER DISSEMINATION OF, OR OTHERWISE
21 LIMIT ACCESS TO THE CONTENT, WHEN REASONABLY FEASIBLE.

22 (b) THIS SUBSECTION (6) DOES NOT LIMIT LIABILITY IF A
23 BROADCASTER KNOWINGLY OR RECKLESSLY BROADCASTS, PUBLISHES, OR
24 DISTRIBUTES CONTENT IN VIOLATION OF THIS PART 15, OR FAILS TO
25 RESPOND TO A VALID REQUEST TO REMOVE THE MATERIAL."

26 Renumber succeeding subsection accordingly.

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