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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 498

## **Mandatory Reporting of Child Pornography Act**

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**Introduction**

**Introduced by  
Madam Sylvie Roy  
Member for Lotbinière**

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## **EXPLANATORY NOTES**

*This bill provides that any person who has reasonable grounds to believe that a representation, written material, a recording or any other document is, or might be, child pornography must promptly report the information the person has to a police force. Persons who are bound by professional secrecy, except an advocate who receives information in his or her professional capacity, have the same obligation.*

*The bill specifies that it does not operate to require or authorize a person to seek out child pornography. It also provides that the person who has acted in accordance with this bill may not be prosecuted for acts done in good faith, that the person's identity will not be revealed without his or her consent and that it is forbidden to take a reprisal against the person, such as a measure that adversely affects the employment or working conditions of the person.*

*Lastly, the bill provides that a person who contravenes its provisions is guilty of an offence and liable to a maximum fine of \$5,000 and, for a second or subsequent offence, to a maximum fine of \$10,000, in addition to being liable to imprisonment for not more than two years.*

# Bill 498

## MANDATORY REPORTING OF CHILD PORNOGRAPHY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** In addition to the duty imposed by the Youth Protection Act (R.S.Q., chapter P-34.1), any person who has reasonable grounds to believe that a representation, written material, a recording or any other document is, or might be, child pornography must promptly report the information the person has to a police force.

The first paragraph applies even to persons who are bound by professional secrecy, except an advocate who receives information in his or her professional capacity.

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

**3.** No person may be prosecuted for acts done in good faith under section 1.

**4.** No person may reveal or be compelled to reveal the identity of a person who has acted in accordance with section 1, without that person's consent.

**5.** It is forbidden to take a reprisal against a person who has acted in accordance with section 1 or to threaten to take a reprisal against a person so that he or she will abstain from so acting.

The demotion, suspension, termination of employment or transfer of a person referred to in the first paragraph or any disciplinary or other measure that adversely affects the employment or working conditions of such a person is presumed to be a reprisal.

**6.** Every person who contravenes section 1, 4 or 5 is guilty of an offence and liable to a maximum fine of \$5,000 and, for a second or subsequent offence, to a maximum fine of \$10,000.

In addition to the fine prescribed in the first paragraph, the court may, despite article 231 of the Code of Penal Procedure (R.S.Q., chapter C-25.1), sentence the offender to imprisonment for not more than two years.

**7.** This Act comes into force on (*insert the date of assent to this Act*).

