

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE**PART I - CRIMES****CHAPTER 110 - SEXUAL EXPLOITATION AND OTHER ABUSE OF CHILDREN****§ 2258B. Limited liability for electronic communication service providers, remote computing service providers, or domain name registrar¹**

(a) **In General.**— Except as provided in subsection (b), a civil claim or criminal charge against an electronic communication service provider, a remote computing service provider, or domain² name registrar, including any director, officer, employee, or agent of such electronic communication service provider, remote computing service provider, or domain name registrar arising from the performance of the reporting or preservation responsibilities of such electronic communication service provider, remote computing service provider, or domain name registrar under this section, section 2258A, or section 2258C may not be brought in any Federal or State court.

(b) **Intentional, Reckless, or Other Misconduct.**— Subsection (a) shall not apply to a claim if the electronic communication service provider, remote computing service provider, or domain name registrar, or a director, officer, employee, or agent of that electronic communication service provider, remote computing service provider, or domain name registrar—

(1) engaged in intentional misconduct; or

(2) acted, or failed to act—

(A) with actual malice;

(B) with reckless disregard to a substantial risk of causing physical injury without legal justification; or

(C) for a purpose unrelated to the performance of any responsibility or function under this section,³ sections 2258A, 2258C, 2702, or 2703.

(c) **Minimizing Access.**— An electronic communication service provider, a remote computing service provider, and domain² name registrar shall—

(1) minimize the number of employees that are provided access to any image provided under section 2258A or 2258C; and

(2) ensure that any such image is permanently destroyed, upon a request from a law enforcement agency to destroy the image.

Footnotes

¹ So in original. Probably should be “registrars”.

² So in original. Probably should be preceded by “a”.

³ So in original. Probably should be followed by “or”.

(Added Pub. L. 110–401, title V, § 501(a), Oct. 13, 2008, 122 Stat. 4248.)