

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1472 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Travis Dunlap _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1472

By: Dunlap

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; creating the Human Trafficking and Child Exploitation Prevention Act; prohibiting businesses, manufacturers, wholesalers and individuals that make content accessible on the Internet from doing business in Oklahoma; providing an exception; directing businesses, manufacturers, wholesalers and individuals to provide certain written warning to consumers and comply with requirements related to blocking obscene content and websites; providing procedures for unblocking certain content; prohibiting digital blocking capabilities from filtering social media websites; providing penalties for violating digital content blocking requirements; providing exception; authorizing the Attorney General to seek injunctive relief; providing for attorney fees and costs; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1040.81 of Title 21, unless there is created a duplication in numbering, reads as follows:

1 This act shall be known and may be cited as the "Human
2 Trafficking and Child Exploitation Prevention Act".

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1040.82 of Title 21, unless
5 there is created a duplication in numbering, reads as follows:

6 A. A business, manufacturer, wholesaler or individual that
7 manufactures, distributes or sells a device that makes content
8 accessible on the Internet is prohibited from doing business in this
9 state unless the device contains an active and operating digital
10 blocking capability that renders any obscene material, as defined in
11 Section 1024.1 of Title 21 of the Oklahoma Statutes, inaccessible to
12 consumers who request in writing that such blocking capability be
13 provided.

14 B. Consumers who do not request the activation of digital
15 blocking capabilities as provided in subsection A of this section
16 shall receive in writing from businesses, manufacturers, wholesalers
17 or individuals that manufacture, distribute or sell devices that
18 make content accessible on the Internet the following warning: "Use
19 of this service providing access to the Internet to engage in human
20 trafficking, to access child pornography or to engage in or solicit
21 prostitution may result in criminal prosecution for violations of
22 Oklahoma law including, but not limited to, Section 748, 1024.2 or
23 1029 of Title 21 of the Oklahoma Statutes."

24 C. The business, manufacturer, wholesaler or individual shall:

1 1. Make reasonable and ongoing efforts to ensure that the
2 digital content blocking capability functions properly, including
3 establishing a reporting mechanism such as a website or call center
4 to allow for a consumer to report unblocked obscene content or
5 report blocked content that is not obscene;

6 2. Ensure that all private sexual images published without the
7 consent of all parties are inaccessible on the device;

8 3. Prohibit the device from accessing any hub that facilitates
9 prostitution or child pornography; and

10 4. Render websites that are known to facilitate any human
11 trafficking, as defined in Section 748 of Title 21 of the Oklahoma
12 Statutes, inaccessible.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1040.83 of Title 21, unless
15 there is created a duplication in numbering, reads as follows:

16 A. If the digital blocking capability blocks content that is
17 not obscene and the block is reported to a call center or reporting
18 website, the content must be unblocked within a reasonable time but
19 in no event later than five (5) business days after the block is
20 reported.

21 B. The digital blocking capability may not filter social media
22 websites that are primarily used for social interaction if these
23 websites have a reporting center and remain reasonably proactive in
24 removing reported obscene content.

1 C. The consumer may seek judicial relief to unblock filtered
2 content.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1040.84 of Title 21, unless
5 there is created a duplication in numbering, reads as follows:

6 A. A business, manufacturer, wholesaler or individual that
7 violates the provisions of this act by manufacturing, distributing
8 or selling a device that does not contain active or operating
9 digital content blocking capabilities that make obscene material
10 inaccessible if such blocking capability is requested by a consumer
11 is, upon conviction, guilty of a misdemeanor punishable by
12 imprisonment in the county jail for a term not exceeding one (1)
13 year, or by a fine of not less than One Thousand Dollars
14 (\$1,000.00), or by both such fine and imprisonment.

15 B. A business, manufacturer, wholesaler or individual who
16 complies with the provisions of subsection B of Section 2 of this
17 act is not subject to criminal liability.

18 SECTION 5. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1040.85 of Title 21, unless
20 there is created a duplication in numbering, reads as follows:

21 A. The Office of Attorney General is authorized to seek
22 injunctive relief against any business, manufacturer, wholesaler or
23 individual that manufactures, distributes or sells any products in
24 this state that violate the provisions of Section 2 of this act.

1 B. If a business, manufacturer, wholesaler, or individual is
2 unresponsive to a report of obscene material that has breached the
3 filter, the consumer or Attorney General may file a civil suit. The
4 consumer or Attorney General may seek damages of up to Five Hundred
5 Dollars (\$500.00) for each piece of content that was reported but
6 not subsequently blocked.

7 C. The prevailing party in the civil action may seek attorney
8 fees and costs.

9 SECTION 6. This act shall become effective November 1, 2017.
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