

**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 crime and punishments; creating the Human Trafficking and Child Exploitation Prevention Act; requiring service providers to filter certain content; stating method of compliance; directing service providers to provide certain notice to consumers; providing methods by which compliance with mandate may be satisfied; authorizing service providers to charge consumers for filtering content; authorizing Attorney General to provide certain notification to service providers; providing penalties for noncompliance; directing the Consumer Protection Unit of the Office of the Attorney General to test the effectiveness of filtering systems of service providers on an annual basis; providing for the availability of test results to service providers and the public; directing the Consumer Protection Unit to promulgate rules and procedures; defining term; 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.   1.   Upon request by a consumer, a service provider shall  
7       filter content to prevent the transmission of obscene material to  
8       the consumer.

9       2.   A service provider complies with paragraph 1 of this  
10      subsection if the service provider uses a generally accepted and  
11      commercially reasonable method of filtering.

12      B.   At the time a consumer subscribes to the service of a  
13      service provider, or at the time the provisions of this section take  
14      effect if the consumer subscribes to the service of the service  
15      provider, the service provider shall notify the consumer in a  
16      conspicuous manner that the consumer may request to have obscene  
17      material blocked under the provisions of subsection A of this  
18      section.

19      C.   1.   A service provider may comply with the provisions of  
20      subsection A of this section by:

21           a.   providing in-network filtering to prevent receipt of  
22                obscene material, provided that the filtering does not  
23                affect or interfere with access to Internet content  
24

1           for consumers who do not request filtering under the  
2           provisions of subsection A of this section, or  
3       b.    providing software, engaging a third party to provide  
4           software, or referring users to a third party that  
5           provides filtering software, by providing a clear and  
6           conspicuous hyperlink or written statement, for  
7           installation on the computer of the consumer that  
8           blocks, in an easy-to-enable and commercially  
9           reasonable manner, receipt of obscene material.

10       2.   A service provider may charge a consumer for providing  
11   filtering under the provisions of paragraph 1 of this section.

12       D.   If the Attorney General determines that a service provider  
13   has violated the provisions of subsection A or B of this section,  
14   the Attorney General shall:

15       1.   Notify the service provider that the service provider is in  
16   violation of the provisions of subsection A or B of this section;  
17   and

18       2.   Notify the service provider that the service provider has  
19   thirty (30) days to comply with the provision being violated or be  
20   subject to the provisions of subsection E of this section.

21       E.   A service provider that intentionally or knowingly violates  
22   the provisions of subsection A or B of this section is subject to a  
23   civil fine of Two Thousand Five Hundred Dollars (\$2,500.00) for each  
24

1 separate violation of subsection A or B of this section, up to Ten  
2 Thousand Dollars (\$10,000.00) per day.

3 F. A proceeding to impose a civil fine under the provisions of  
4 subsection E of this section may only be brought by the Attorney  
5 General in a court of competent jurisdiction.

6 G. 1. The Consumer Protection Unit within the Office of the  
7 Attorney General shall, in consultation with other entities as the  
8 Consumer Protection Unit considers appropriate, test the  
9 effectiveness of the system of a service provider for blocking  
10 obscene material under the provisions of subsection A of this  
11 section at least annually.

12 2. The results of testing by the Consumer Protection Unit under  
13 paragraph 1 of this subsection shall be made available to:

- 14 a. the service provider that is the subject of the test,
- 15 and
- 16 b. the public.

17 3. The Consumer Protection Unit shall promulgate rules and  
18 procedures to fulfill its duties under the provisions of this  
19 section.

20 H. As used in this section, the term "obscene material" shall  
21 have the same meaning as such term is defined in Section 1024.1 of  
22 Title 21 of the Oklahoma Statutes.

SECTION 3. This act shall become effective November 1, 2017.

56-1-7156            GRS            02/28/17