

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1472

By: Dunlap

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.

56-1-7228 GRS 03/01/17