

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1472

By: Dunlap

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; creating
8 the Human Trafficking Prevention Act; requiring
9 businesses and individuals that make content
10 accessible on the Internet to install and operate
11 digital blocking capability; providing guidelines and
12 procedures; allowing for deactivation of digital
13 blocking capability under certain circumstances;
14 providing for digital access fees; directing
15 quarterly submission of digital access fees to State
16 Treasurer; directing State Treasurer to remit funds
17 into General Revenue Fund of the state; providing for
18 content to be unblocked; prohibiting digital blocking
19 capabilities from filtering social media websites;
20 providing penalties for violating digital content
21 blocking requirements; providing exception to
22 criminal liability; authorizing consumer or Attorney
23 General to seek certain relief; providing for
24 attorney fees and costs; providing for codification;
providing for noncodification; 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 not to be
codified in the Oklahoma Statutes reads as follows:

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

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1040.81 of Title 21, unless
3 there is created a duplication in numbering, reads as follows:

4 A. A business, manufacturer, wholesaler or individual that
5 manufactures, distributes or sells a product that makes content
6 accessible on the Internet is prohibited from doing business in this
7 State unless the product contains an active and operating digital
8 blocking capability that renders any obscene material, as defined in
9 Section 1024.1 of Title 21 of the Oklahoma Statutes, inaccessible.

10 B. The business, manufacturer, wholesaler or individual must:

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

16 2. Ensure that all child pornography and private sexual images
17 published without the consent of all parties is inaccessible on the
18 product;

19 3. Prohibit the product from accessing any hub that facilitates
20 prostitution; and

21 4. Render websites that are known to facilitate any trafficking
22 of persons, as defined in Section 748 of Title 21 of the Oklahoma
23 Statutes, inaccessible.

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

4 A. Any digital blocking capability may be deactivated after the
5 consumer:

6 1. Requests in writing that the capability be disabled;

7 2. Presents identification to verify that the consumer is
8 eighteen (18) years of age or older;

9 3. Acknowledges receiving a written warning regarding the
10 potential danger of deactivating the digital blocking capability;
11 and

12 4. Pays a one-time digital access fee of Twenty Dollars
13 (\$20.00) to the business, manufacturer, wholesaler or individual
14 that manufactures, distributes or sells the product that makes said
15 content accessible on the Internet.

16 B. Digital access fees collected by the business, manufacturer,
17 wholesaler, or individual shall be remitted to the State Treasurer
18 each quarter. All monies derived from the digital access fee shall
19 be deposited to the credit of the General Revenue Fund of the State
20 Treasury.

21 SECTION 4. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1040.83 of Title 21, unless
23 there is created a duplication in numbering, reads as follows:

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

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

10 C. The consumer may seek judicial relief to unblock filtered
11 content.

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

15 A. A business or individual that violates the provisions of
16 this act by manufacturing, distributing or selling a product that
17 makes content accessible on the Internet without the digital content
18 blocking capability, selling the product to a minor without
19 activated filters, or providing the means to disable the digital
20 content blocking capability is, upon conviction, guilty of a
21 misdemeanor punishable by imprisonment in the county jail for a term
22 not exceeding one (1) year, or by a fine of not less than One
23 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

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1 B. A business or individual who complies with the provisions of
2 Section 3 of this act is not subject to criminal liability for
3 violating the provisions of this act.

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1040.85 of Title 21, unless
6 there is created a duplication in numbering, reads as follows:

7 A. The Office of Attorney General is authorized to seek
8 injunctive relief against any business, manufacturer, wholesaler or
9 individual that manufactures, distributes or sells any products in
10 this state that violates the provisions of this act.

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

17 C. The prevailing party in the civil action may seek attorney
18 fees and costs.

19 SECTION 7. This act shall become effective November 1, 2017.

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21 56-1-5964 GRS 01/18/17

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