

## HOUSE OF REPRESENTATIVES - FLOOR VERSION

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:

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**BOLD FACE** denotes Committee Amendments

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

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

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

A. 1. Upon request by a consumer, a service provider shall  
filter content to prevent the transmission of obscene material to  
the consumer.

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

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

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

- a. providing in-network filtering to prevent receipt of  
obscene material, provided that the filtering does not  
affect or interfere with access to Internet content for  
consumers who do not request filtering under the  
provisions of subsection A of this section, or

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7 b. providing software, engaging a third party to provide  
8 software, or referring users to a third party that  
9 provides filtering software, by providing a clear and  
10 conspicuous hyperlink or written statement, for  
11 installation on the computer of the consumer that blocks,  
12 in an easy-to-enable and commercially reasonable manner,  
13 receipt of obscene material.

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

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

19 1. Notify the service provider that the service provider is in  
20 violation of the provisions of subsection A or B of this section;  
21 and

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

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1 E. A service provider that intentionally or knowingly violates  
2 the provisions of subsection A or B of this section is subject to a  
3 civil fine of Two Thousand Five Hundred Dollars (\$2,500.00) for each  
4 separate violation of subsection A or B of this section, up to Ten  
5 Thousand Dollars (\$10,000.00) per day.

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

9 G. 1. The Consumer Protection Unit within the Office of the  
10 Attorney General shall, in consultation with other entities as the

Consumer Protection Unit considers appropriate, test the effectiveness of the system of a service provider for blocking obscene material under the provisions of subsection A of this section at least annually.

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

a. the service provider that is the subject of the test,

and

b. the public.

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND CORRECTIONS, dated 03/01/2017 - DO PASS, As Amended.

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