

HOUSE BILL NO. HB0245

Human trafficking and child exploitation prevention.

Sponsored by: Representative(s) Lone and Edwards

A BILL

for

1 AN ACT relating to public health and safety; requiring
 2 internet enabled devices manufactured, sold or distributed
 3 in Wyoming to contain software that blocks obscene internet
 4 websites; providing exceptions; authorizing a fee to
 5 deactivate blocking software; prescribing duties of the
 6 attorney general; authorizing rulemaking; amending the
 7 crime of promoting obscenity; and providing for effective
 8 dates.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 35-31-101 and 35-31-102 are created
 13 to read:

14

15

CHAPTER 31

16

HUMAN TRAFFICKING AND CHILD EXPLOITATION PREVENTION

1

2 **35-31-101. Definitions.**

3

4 (a) As used in this act:

5

6 (i) "Blocking software" means software that
7 prevents an internet enabled device from accessing obscene
8 internet websites;

9

10 (ii) "Internet enabled device" means a device
11 that allows a user to access the internet and view or
12 download content from the internet;

13

14 (iii) "Obscene internet websites" means any
15 internet website that:

16

17 (A) Contains obscene material as defined in
18 W.S. 6-4-301(a)(iii);

19

20 (B) Contains or facilitates child
21 pornography as defined in W.S. 6-4-303(a)(ii);

22

1 (C) Facilitates prostitution prohibited
2 under W.S. 6-4-101;

3

4 (D) Facilitates human trafficking
5 prohibited under W.S. 6-2-702 or 6-2-703;

6

7 (E) Facilitates sexual servitude prohibited
8 under W.S. 6-2-705 or 6-2-706.

9

10 (iv) "This act" means W.S. 35-31-101 and
11 35-31-102.

12

13 **35-31-102. Blocking software; requirements;**
14 **deactivation fee; exceptions.**

15

16 (a) Except as provided in subsection (e) of this
17 section, a person shall not manufacture, sell or distribute
18 an internet enabled device in this state unless the device
19 contains active blocking software.

20

21 (b) Any person who manufactures, sells or distributes
22 an internet enabled device in this state with active

1 blocking software shall make reasonable and ongoing efforts
2 to ensure that:

3

4 (i) The blocking software is updated and
5 continues to function effectively;

6

7 (ii) The source code and any other information
8 that could allow a person to bypass the blocking software
9 is kept confidential;

10

11 (iii) The blocking software prohibits access to
12 obscene internet websites.

13

14 (c) Any person who manufactures, sells or distributes
15 an internet enabled device may not disable the blocking
16 software unless all of the following apply:

17

18 (i) The consumer requests in writing that the
19 blocking software be disabled;

20

21 (ii) The manufacturer, seller or distributor
22 verifies that the consumer is at least eighteen (18) years
23 of age or the consumer is an emancipated minor who has

1 become emancipated as provided in W.S. 14-1-201 through
2 14-1-206;

3

4 (iii) The consumer receives and acknowledges in
5 writing the receipt of a written document, which shall be
6 developed by the attorney general, describing the potential
7 dangers of the content that may be accessible as a result
8 of deactivating the blocking software;

9

10 (iv) The consumer pays a deactivation fee of
11 twenty dollars (\$20.00).

12

13 (d) A manufacturer, seller or distributor shall remit
14 the deactivation fees collected under paragraph (c)(iv) of
15 this section to the department of revenue at the same time
16 that state sales tax is remitted. The department of
17 revenue shall by rule prescribe the form and manner by
18 which deactivation fees may be remitted under this
19 subsection. The department of revenue shall remit all fees
20 received under this subsection to the state treasurer,
21 which shall be distributed as follows:

22

1 (i) Fifty percent (50%) of the fees received
2 shall be deposited to the crime victims' compensation
3 account created by W.S. 1-40-114;

4

5 (ii) Fifty percent (50%) of the fees received
6 shall be deposited in the general fund.

7

8 (e) This section shall not apply to any of the
9 following:

10

11 (i) An occasional sale of an internet enabled
12 device by a person that is not regularly engaged in the
13 trade or business of selling internet enabled devices;

14

15 (ii) The sale, manufacture or distribution of an
16 internet enabled device manufactured before July 1, 2018.

17

18 **Section 2.** W.S. 6-4-302(a)(ii), (iii) and by creating
19 a new paragraph (iv) is amended to read:

20

21 **6-4-302. Promoting obscenity; penalties.**

22

1 (a) A person commits the crime of promoting obscenity
2 if he:

3
4 (ii) Possesses obscene material with the intent
5 of disseminating it;~~or~~

6
7 (iii) Knowingly disseminates obscene material;~~;~~

8 or

9
10 (iv) Manufactures, sells or distributes an
11 internet enabled device in this state that does not contain
12 blocking software in violation of W.S. 35-31-102.

13

14 **Section 3.** The department of revenue shall promulgate
15 rules necessary to implement this act on or before July 1,
16 2018.

17

18 **Section 4.**

19

20 (a) Except as provided in subsection (b) of this
21 section, this act is effective July 1, 2018.

22

1 (b) Section 3 of this act is effective immediately
2 upon completion of all acts necessary for a bill to become
3 law as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)