HOUSE BILL NO. HB0245

Human trafficking and child exploitation prevention.
Sponsored by: Representative(s) Lone and Edwards

A BILL

for

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

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

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

CHAPTER 31
HUMAN TRAFFICKING AND CHILD EXPLOITATION PREVENTION

HB0245

(a) As used in this act:

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

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

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

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

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

(C) Facilitates prostitution prohibited under W.S. 6-4-101;
(D) Facilitates human trafficking prohibited under W.S. 6-2-702 or 6-2-703;

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

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

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

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

(b) Any person who manufactures, sells or distributes an internet enabled device in this state with active blocking software shall make reasonable and ongoing efforts to ensure that:

(i) The blocking software is updated and continues to function effectively;
(ii) The source code and any other information that could allow a person to bypass the blocking software is kept confidential;

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

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

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

(ii) The manufacturer, seller or distributer verifies that the consumer is at least eighteen (18) years of age or the consumer is an emancipated minor who has become emancipated as provided in W.S. 14-1-201 through 14-1-206;

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

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

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

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

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

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

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

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

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

6-4-302. Promoting obscenity; penalties.

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

(ii) Possesses obscene material with the intent of disseminating it; or

(iii) Knowingly disseminates obscene material; or

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

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

Section 4.

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

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