STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 864

By: Silk

AS INTRODUCED

An Act relating to crimes and punishments; creating the Human Trafficking and Child Exploitation Prevention Act; requiring businesses and individuals that make content accessible on the Internet to install and operate digital blocking capability; providing guidelines and procedures; allowing for deactivation of digital blocking capability under certain circumstances; providing for digital access fees; directing quarterly submission of digital access fees to State Treasurer; directing State Treasurer to remit funds into General Revenue Fund of the state; providing for content to be unblocked; prohibiting digital blocking capabilities from filtering social media websites; providing penalties for violating digital content blocking requirements; providing exception to criminal liability; authorizing consumer or Attorney General to seek certain relief; providing for 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 and Child Exploitation Prevention Act".
SECTION 2. 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:

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

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

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

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

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

4. Render websites that are known to facilitate any trafficking of persons, as defined in Section 748 of Title 21 of the Oklahoma Statutes, inaccessible.
SECTION 3. 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. Any digital blocking capability may be deactivated after the consumer:

1. Requests that the capability be disabled;
2. Presents identification to verify that the consumer is eighteen (18) years of age or older;
3. Acknowledges receiving a written warning regarding the potential danger of deactivating the digital blocking capability; and
4. Pays a one-time digital access fee of Twenty Dollars ($20.00) to the business, manufacturer, wholesaler or individual that manufactures, distributes or sells the product that makes the content accessible on the Internet.

Nothing in this act shall be construed to prevent the seller from charging its own separate deactivation fee for profit.

B. Digital access fees collected by the business, manufacturer, wholesaler, or individual, as provided in paragraph 4 of this section, shall be remitted to the State Treasurer each quarter. All monies derived from the digital access fee shall be deposited to the credit of the General Revenue Fund of the State Treasury.
SECTION 4. NEW LAW  A new section of law to be codified in the Oklahoma Statutes as Section 1040.83 of Title 21, unless there is created a duplication in numbering, reads as follows:

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

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

C. The consumer may seek judicial relief to unblock filtered content. The prevailing party in a civil action may seek attorney fees and costs.

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

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

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

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

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

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

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

SECTION 7. This act shall become effective November 1, 2019.