2019 -- H 5685

S T A T E O F R H O D E I S L A N D

I N G E N E R A L A S S E M B L Y

J A N U A R Y S E S S I O N , A . D . 2 0 1 9

A N A C T


Introduced By: Representatives Roberts, Price, Quattrocchi, Nardone, and Chippendale

Date Introduced: February 27, 2019

Referred To: House Corporations

It is enacted by the General Assembly as follows:


is hereby amended by adding thereto the following section:

39-2-20.2. Internet digital blocking -- Human trafficking and child exploitation

prevention.

(a) An Internet service provider, as defined in § 39-2-20.1, shall provide with any Internet

service or product sold, leased or distributed, a digital blocking capability that renders

inaccessible by default sexual content and/or patently offensive material as defined in § 11-31-1.

(b) A person who manufacturers, sells, offers for sale, leases, or distributes a product that

makes content accessible on the Internet shall:

(1) Make reasonable and ongoing efforts to ensure that the digital content blocking

capability functions properly;

(2) Establish a reporting mechanism, such as a website or call center, to allow a consumer

to report unblocked sexual content or potentially offensive material or report blocked material
that is not sexual content or potentially offensive; 

(3) Ensure that all child pornography and revenge pornography is inaccessible on the product; 

(4) Prohibit the product from accessing any hub that facilitates prostitution; and 

(5) Render websites that are known to facilitate human trafficking, in violation of chapter 67.1 of title 11, inaccessible; and 

(6) Report child pornography received to the National Center for Missing and Exploited Children's cybertipline in accordance with 18 U.S.C. § 2258A.

(c) Any digital blocking capability may be deactivated after a consumer:

(1) Requests in writing 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 twenty-dollar ($20.00) digital access fee to be remitted to the state to fund the cost of upholding community standards of decency and combating sex crimes. 

(d) A reasonable separate fee may be charged and retained to deactivate the digital blocking capability.

(e) A person who manufactures, sells, offers for sale, leases, or distributes a product that makes content accessible on the Internet shall submit the funds collected as the digital access fee, pursuant to subsection (c)(4) of this section to the general treasurer each quarter. The general treasurer shall forward the funds collected to the attorney general to help fund the operations of the council on human trafficking, established by § 11-67.1-19, and for the attorney general to issue grants to government and non-government entities and individuals that are working to uphold community standards of decency, to strengthen families and to develop, expand, or strengthen programs for victims of human child exploitation. This includes providing grants for:

(1) Rape-kit testing; 

(2) Physical and mental health services; 

(3) Temporary and permanent housing placement;
(4) Employment, placement, education, training;

(5) Prevention of human trafficking, domestic violence, prostitution, divorce, child abuse, and rape by training first responders and by increasing public awareness;

(6) Independent school districts;

(7) Victims compensation;

(8) Shelters;

(9) Family counseling;

(10) Law enforcement; and

(11) Other programs to benefit victims of human trafficking.

(f) If the digital blocking capability blocks material that is not sexual content nor patently offensive and the block is reported to a call center or reporting website, the material shall be unblocked within a reasonable time, but in no event later than five (5) business days after the block is first reported.

(g) A consumer or the attorney general may seek judicial relief to unblock filtered content.

(h) If a person who manufactures, sells, offers for sale, leases, or distributes a product that makes content accessible on the Internet is unresponsive to a report of sexual content or patently offensive material that has breached the filter required by this section, the attorney general or a consumer may file a civil suit. The attorney general or a consumer may seek damages of up to five hundred dollars ($500) for each website that was reported but not subsequently blocked. The prevailing party in the civil action may seek attorneys' fees, costs and other forms of relief.

(i) It shall be an affirmative defense in a civil action alleging violation of this section that the dissemination of the accessible content described in this section was limited to institutions or organizations having scientific, educational, or other similar justifications for displaying the material covered by this section.

(j) A person who knowingly manufacturers, sells, offers for sale, leases, or distributes a product that makes sexual content shall be fined not more than one thousand dollars ($1,000) if
(1) Provides the source code or mechanism to deactivate to a minor or a nonconsenting adult;

(2) Fails to install block capability to prevent dissemination of obscene material, child pornography, revenge pornography, or allows access to websites that are known to facilitate human trafficking or prostitution; or

(3) Deactivates the filter without complying with the provisions of this section.

(k) This act shall not apply to:

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

(2) Products manufactured or sold before enactment; or

(3) A person who manufacturers, sells, offers for sale, leases, or distributes a product that makes content accessible on the Internet and who is not subject to this state's jurisdiction.

SECTION 2. This act shall take effect on July 1, 2020.

EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - DUTIES OF UTILITIES AND CARRIERS - HUMAN TRAFFICKING AND CHILD EXPLOITATION PREVENTION

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This act would require Internet service providers to provide digital blocking by default of sexual content and patently offensive material. It would allow consumers to deactivate digital block upon payment of a twenty dollar ($20.00) fee. This act would also provide penalties for violations. The act would also establish that fees be forwarded to the attorney for use to fund
programs combating human trafficking and for upholding community standards of decency.

This act would take effect on July 1, 2020.