

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1472

By: Dunlap

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8 COMMITTEE SUBSTITUTE

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10 An Act relating to crime and punishments; creating
11 the Human Trafficking and Child Exploitation
12 Prevention Act; requiring service providers to filter
13 certain content; stating method of compliance;
14 directing service providers to provide certain notice
15 to consumers; providing methods by which compliance
16 with mandate may be satisfied; authorizing service
17 providers to charge consumers for filtering content;
18 authorizing Attorney General to provide certain
19 notification to service providers; providing
20 penalties for noncompliance; directing the Consumer
21 Protection Unit of the Office of the Attorney General
22 to test the effectiveness of filtering systems of
23 service providers on an annual basis; providing for
24 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:

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

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

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

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

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

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

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

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- 1 a. providing in-network filtering to prevent receipt of
2 obscene material, provided that the filtering does not
3 affect or interfere with access to Internet content
4 for consumers who do not request filtering under the
5 provisions of subsection A of this section, or
6 b. providing software, engaging a third party to provide
7 software, or referring users to a third party that
8 provides filtering software, by providing a clear and
9 conspicuous hyperlink or written statement, for
10 installation on the computer of the consumer that
11 blocks, in an easy-to-enable and commercially
12 reasonable manner, receipt of obscene material.

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

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

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

21 2. Notify the service provider that the service provider has
22 thirty (30) days to comply with the provision being violated or be
23 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
11 Consumer Protection Unit considers appropriate, test the
12 effectiveness of the system of a service provider for blocking
13 obscene material under the provisions of subsection A of this
14 section at least annually.

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

- 17 a. the service provider that is the subject of the test,
- 18 and
- 19 b. the public.

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

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

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

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