

MISSISSIPPI LEGISLATURE
2019 Regular Session
To: Judiciary, Division A
By: Senator(s) Blackwell

Senate Bill 2472

AN ACT TO CREATE THE HUMAN TRAFFICKING AND CHILD EXPLOITATION PREVENTION ACT; TO PROHIBIT ANY DEVICE MAKING INTERNET CONTENT AVAILABLE THAT DOES NOT CONTAIN DIGITAL-BLOCKING CAPABILITY; TO PROVIDE THAT BLOCKING CAPABILITY MAY BE DISABLED; TO REQUIRE A ONE-TIME \$20.00 DIGITAL ACCESS FEE OR A \$20.00 OPT-OUT FEE; TO PROVIDE FOR THE DISPOSITION OF THE FEES COLLECTED; TO CREATE A CIVIL CAUSE OF ACTION AGAINST VIOLATORS; TO CREATE A CIVIL PENALTY; TO CREATE A GRANT PROGRAM TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) This act shall be known and may be cited as the "Human Trafficking and Child Exploitation Prevention Act."

(2) It is unlawful to manufacture, sell, offer for sale, lease, or distribute a product that makes content accessible on the Internet unless the product contains digital-blocking capability that is capable of rendering any obscene material, as defined in Section 97-29-103, inaccessible to a minor if the digital-blocking capability is active and properly operating to make obscene material inaccessible.

(3) A person who manufactures, sells, offers for sale, leases, or distributes a product that makes content accessible on the Internet shall:

(a) Make reasonable and ongoing efforts to ensure that the digital content blocking capability functions properly;

(b) Establish a reporting mechanism, such as a website or call center, to allow a consumer to report unblocked obscene material or report blocked material that is not obscene;

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

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

(e) Render websites that are known to facilitate human trafficking, in violation of the Mississippi Human Trafficking Act, Section 97-3-54 et seq., inaccessible.

(4) (a) Digital-blocking capability may be deactivated after a consumer:

- (i) Requests that the capability be disabled;
- (ii) Presents identification to verify that the consumer is eighteen (18) years of age or older;

- (iii) Acknowledges receiving a written warning regarding the potential danger of deactivating the digital-blocking capability; and

- (iv) Pays a one-time Twenty Dollar (\$20.00) digital access fee.

(b) A person who manufactures, sells, offers for sale, leases, or distributes a product that makes content accessible on the Internet may elect to pay a Twenty Dollar (\$20.00) opt-out fee for each product that enters this state's stream of commerce.

(c) 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 under subsection (3) (a)(iv) of this section, or the opt-out fee under subsection (3)(b) of this section, to the State Treasurer each quarter following appropriate procedures established by the State Auditor. It shall be the duty of the Department of Finance and Administration to deposit all such funds remitted under this section as follows:

- (i) Sixty percent (60%) shall be deposited into the Mississippi Crime Victims' Compensation Fund established in Section 99-41-29;

- (ii) Twenty percent (20%) shall be deposited to the Mississippi Department of Public Safety to be used to provide grants to state agencies, units of local government and nongovernmental agencies to develop, expand or strengthen programs for victims of human trafficking and child exploitation as provided in Section 2 of this act; and

- (iii) Twenty percent (20%) shall be deposited into the State General Fund.

(5) (a) If the digital-blocking capability blocks material that is not obscene and the block is reported to a call center or reporting website,

the material must be unblocked within a reasonable time, but in no event later than five (5) business days after the block is first reported.

(b) A consumer may seek judicial relief to unblock filtered content.

(c) 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 obscene material that has breached the filter, 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 (\$500.00) for each piece of content that was reported but not subsequently blocked. The prevailing party in the civil action may seek and be awarded attorneys' fees.

(6) A person who violates subsection (1) of this section shall be subject to a civil penalty of up to One Thousand Dollars (\$1,000.00) for a first offense, Two Thousand Dollars (\$2,000.00) for a second offense, and Fifty Thousand Dollars (\$50,000.00) for each third or subsequent offense, to be collected in a civil action.

SECTION 2. (1) There is established in the State Treasury a special fund to be known as the Human Trafficking and Child Exploitation Prevention Fund. The fund shall consist of those funds collected as provided in Section 1 of this act, and may include any additional funds made available by the Legislature or by donation, contribution, gift or any other source. The purpose of the fund is to provide support to state agencies, units of local government and nongovernmental agencies to develop, expand or strengthen programs for victims of human trafficking and child exploitation

(2) Unexpended amounts remaining in the fund at the end of the state fiscal year shall not lapse into the State General Fund, and any income earned on amounts in the fund shall be deposited to the credit of the fund.

(3) The Department of Public Safety shall be responsible for the management of the fund and the disbursement of grant amounts authorized under Section 1 of this act. The Department of Public Safety shall adopt rules and

regulations necessary to implement and standardize the application for and payment of grant benefits under this section, to administer the fund created by this section, and to carry out the purposes of this section and Section 1 of this act.

SECTION 3. This act shall take effect and be in force from and after its passage.