

FIRST REGULAR SESSION
HOUSE BILL NO. 885

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WILSON.

1521H.01I

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 589, RSMo, by adding thereto one new section relating to the safer internet for children act, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 589, RSMo, is amended by adding thereto one new section, to be known as section 589.1040, to read as follows:

589.1040. 1. This section shall be known and may be cited as the "Safer Internet for Children Act".

2. As used in this section, the following terms mean:

(1) "Internet service provider", a business or a person engaged in the business of providing access to the internet with the intent of making a profit;

(2) "Obscene", the same meaning as given to such term in section 573.010;

(3) "Subscriber", a person who has entered into an agreement with an internet service provider to gain access to the internet.

3. An internet service provider when entering into an agreement for internet service with a person or entity within Missouri shall block access to obscene websites produced in such a manner either solely or principally.

4. An internet service provider shall redirect a blocked website to a webpage that:

(1) Notifies the subscriber that the website has been blocked under this section; and

(2) Provides the ability to enter a passcode in order for the subscriber to gain access to the blocked website.

5. (1) An internet service provider shall allow a subscriber eighteen years of age or older the ability to access a blocked website by providing the subscriber a mechanism

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 to create an eight-digit passcode containing a series of letters, numbers, and special
19 characters in order to obtain access to the blocked website.

20 (2) Any information collected shall be used only for the implementation of this
21 section.

22 (3) The passcode shall be required at each attempt to access a blocked website, and
23 an internet service provider shall not provide a mechanism for the passcode to be
24 remembered.

25 6. Beginning August 28, 2019, or when a person enters into an agreement with an
26 internet service provider, whichever comes later, the internet service provider shall,
27 through hard copy, electronic mail, or a similar way of communication, provide for its
28 subscribers eighteen years of age or older information regarding this section and how to
29 create a passcode.

30 7. An internet service provider shall:

31 (1) Provide a website, call center, or similar method of communication for a person
32 to report a:

33 (a) Blocked website he or she believes should be permissible; and

34 (b) Website he or she believes to be obscene but is not blocked as required under
35 subsection 3 of this section; and

36 (2) Create a method of evaluation to determine whether a website is obscene and
37 produced in such a manner either solely or principally.

38 8. (1) If a person reports a blocked website under paragraph (a) of subdivision (1)
39 of subsection 7 of this section, the internet service provider shall, within five business days
40 after the reporting of the website, send a report to such person explaining whether the
41 website is permissible.

42 (2) If the website is deemed permissible, the website shall immediately be accessible
43 to all persons within the state network of the internet provider. If the website is deemed
44 not permissible, such website shall be blocked in accordance with subsection 3 of this
45 section to all persons within the state network of the internet provider.

46 9. The attorney general's office shall:

47 (1) Provide a website, call center, or similar method of communication for a person
48 disputing a decision made under subsection 8 of this section to report a:

49 (a) Blocked website he or she believes should be permissible; and

50 (b) Website he or she believes to be obscene but is not blocked as required under
51 subsection 3 of this section; and

52 (2) Create a method of evaluation to determine whether a website is obscene and
53 produced in such a manner either solely or principally.

54 10. If a person disputes a report of a blocked website under paragraph (a) of
55 subdivision (1) of subsection 9 of this section, the attorney general shall, within five
56 business days after the reporting of the website, send a report to such person explaining
57 whether the website is permissible. The attorney general's office shall immediately notify

58 **the internet service provider with a copy of each report rendering a decision.**

59 **11. An internet service provider shall not be liable for any penalty under this**

60 **section if the internet service provider:**

61 **(1) Makes a good-faith effort to apply a generally accepted and commercially**

62 **reasonable method of compliance to block obscene websites in accordance with subsection**

63 **3 of this section;**

64 **(2) Has the ability to discover and block new obscene websites; and**

65 **(3) Fulfills the requirements under this section.**

66 **12. An internet service provider that knowingly violates the provisions of this**

67 **section is guilty of a misdemeanor and, upon conviction, shall be punished by**

68 **imprisonment of less than one year, or by a fine of not more than five hundred dollars for**

69 **each website accessible in violation of this section, or both.**

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