

2019 -- H 5685

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

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

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:

1 SECTION 1. Chapter 39-2 of the General Laws entitled "Duties of Utilities and Carriers"
2 is hereby amended by adding thereto the following section:

3 **39-2-20.2. Internet digital blocking -- Human trafficking and child exploitation**
4 **prevention.**

5 (a) An Internet service provider, as defined in § 39-2-20.1, shall provide with any Internet
6 service or product sold, leased or distributed, a digital blocking capability that renders
7 inaccessible by default sexual content and/or patently offensive material as defined in § 11-31-1.

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

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

12 (2) Establish a reporting mechanism, such as a website or call center, to allow a consumer
13 to report unblocked sexual content or potentially offensive material or report blocked material

14 that is not sexual content or potentially offensive;
15 (3) Ensure that all child pornography and revenge pornography is inaccessible on the
16 product;
17 (4) Prohibit the product from accessing any hub that facilitates prostitution; and
18 (5) Render websites that are known to facilitate human trafficking, in violation of chapter

1 67.1 of title 11, inaccessible; and

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

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

5 (1) Requests in writing that the capability be disabled;

6 (2) Presents identification to verify that the consumer is eighteen (18) years of age or
7 older;

8 (3) Acknowledges receiving a written warning regarding the potential danger of
9 deactivating the digital blocking capability; and

10 (4) Pays a one-time twenty-dollar (\$20.00) digital access fee to be remitted to the state to
11 fund the cost of upholding community standards of decency and combating sex crimes.

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

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

22 (1) Rape-kit testing;

23 (2) Physical and mental health services;

24 (3) Temporary and permanent housing placement;

- 25 (4) Employment, placement, education, training;
- 26 (5) Prevention of human trafficking, domestic violence, prostitution, divorce child abuse,
27 and rape by training first responders and by increasing public awareness;
- 28 (6) Independent school districts;
- 29 (7) Victims compensation;
- 30 (8) Shelters;
- 31 (9) Family counseling;
- 32 (10) Law enforcement; and
- 33 (11) Other programs to benefit victims of human trafficking.
- 34 (f) If the digital blocking capability blocks material that is not sexual content nor patently

LC000551 - Page 2 of 4

1 offensive and the block is reported to a call center or reporting website, the material shall be
2 unblocked within a reasonable time, but in no event later than five (5) business days after the
3 block is first reported.

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

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

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

17 (j) A person who knowingly manufacturers, sells, offers for sale, leases, or distributes a
18 product that makes sexual content shall be fined not more than one thousand dollars (\$1,000) if

19 the person:
20 (1) Provides the source code or mechanism to deactivate to a minor or a nonconsenting
21 adult;
22 (2) Fails to install block capability to prevent dissemination of obscene material, child
23 pornography, revenge pornography, or allows access to websites that are known to facilitate
24 human trafficking or prostitution; or
25 (3) Deactivates the filter without complying with the provisions of this section.
26 (k) This act shall not apply to:
27 (1) An occasional sale of an Internet enabled device by a person that is not regularly
28 engaged in the trade business of selling Internet enabled devices;
29 (2) Products manufactured or sold before enactment; or
30 (3) A person who manufactures, sells, offers for sale, leases, or distributes a product that
31 makes content accessible on the Internet and who is not subject to this state's jurisdiction.
32 SECTION 2. This act shall take effect on July 1, 2020.

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LC000551
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LC000551 - Page 3 of 4

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

1 This act would require Internet service providers to provide digital blocking by default of
2 sexual content and patently offensive material. It would allow consumers to deactivate digital
3 block upon payment of a twenty dollar (\$20.00) fee. This act would also provide penalties for
4 violations. The act would also establish that fees be forwarded to the attorney for use to fund

5 programs combating human trafficking and for upholding community standards of decency.

6 This act would take effect on July 1, 2020.

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