



January 12, 2024

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## SENATE BILL No. 17

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DIGEST OF SB 17 (Updated January 10, 2024 6:28 pm - DI 149)

**Citations Affected:** IC 24-4; IC 35-52.

**Synopsis:** Age verification for material harmful to minors. Requires an adult oriented website operator that displays material harmful to minors to use a reasonable age verification method to prevent a minor from accessing an adult oriented website. Creates a cause of action to permit: (1) the parent or guardian of a child harmed by a violation of the age verification requirement to obtain monetary damages, injunctive relief, and reasonable attorney's fees; and (2) any other person to bring an action to obtain injunctive relief and reasonable attorney's fees. Prohibits a person that conducts age verification from retaining the identifying information of an individual seeking to access an adult oriented website that displays material harmful to minors, and permits an individual whose identifying information is retained to bring an action to obtain monetary damages, injunctive relief, and reasonable attorney's fees. Provides that an adult oriented website operator who knowingly or intentionally publishes an adult oriented website without using a reasonable age verification method commits allowing a child to access Internet pornography, a Class A misdemeanor, and increases the penalty to a Level 6 felony for a prior conviction or violation.

**Effective:** July 1, 2024.

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**Bohacek, Deery, Brown L,  
Johnson T, Alting, Doriot, Tomes,  
Buck**

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January 8, 2024, read first time and referred to Committee on Judiciary.  
January 11, 2024, amended, reported favorably — Do Pass.

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SB 17—LS 6110/DI 106





January 12, 2024

Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

## SENATE BILL No. 17

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 24-4-23 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2024]:  
4 **Chapter 23. Age Verification for Adult Oriented Websites**  
5 **Sec. 1. "Adult oriented website" means a publicly accessible**  
6 **website that publishes material harmful to minors, if at least**  
7 **one-third (1/3) of the images and videos published on the website**  
8 **depict material harmful to minors.**  
9 **Sec. 2. "Adult oriented website operator" means a person that**  
10 **owns or operates an adult oriented website. The term does not**  
11 **include the following:**  
12 (1) **A newspaper or news service that publishes news related**  
13 **information through a website.**  
14 (2) **A cloud service provider.**  
15 (3) **An Internet provider, an affiliate or subsidiary of an**  
16 **Internet provider, or a search engine that:**  
17 (A) **solely provides access or connection to a website or**

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1 other Internet content that is not under the control of that  
 2 Internet service provider, affiliate or subsidiary, or search  
 3 engine; and

4 (B) is not responsible for creating or publishing the content  
 5 that constitutes material harmful to minors.

6 Sec. 3. "Material harmful to minors" means matter or a  
 7 performance described in IC 35-49-2-2.

8 Sec. 4. "Minor" means a person less than eighteen (18) years of  
 9 age.

10 Sec. 5. "Mobile credential" has the meaning set forth in  
 11 IC 9-13-2-103.4.

12 Sec. 6. "Reasonable age verification method" means a method  
 13 of determining that an individual seeking to access a website  
 14 containing material harmful to minors is not a minor by using one  
 15 (1) or more of the following methods:

16 (1) A mobile credential.

17 (2) An independent third party age verification service that  
 18 compares the identifying information entered by the  
 19 individual who is seeking access with material that is available  
 20 from a commercially available data base, or an aggregate of  
 21 data bases, that is regularly used by government agencies and  
 22 businesses for the purpose of age and identity verification.

23 (3) Any commercially reasonable method that relies on public  
 24 or private transactional data to verify the age of the  
 25 individual attempting to access the material.

26 Sec. 7. "Transactional data" means a sequence of information  
 27 that documents an exchange, agreement, or transfer between an  
 28 individual, commercial entity, or third party used for the purpose  
 29 of satisfying a request or event. The term includes records that  
 30 relate to a mortgage, education, or employment.

31 Sec. 8. An adult oriented website operator may not knowingly  
 32 or intentionally publish an adult oriented website unless the adult  
 33 oriented website operator uses a reasonable age verification  
 34 method to prevent a minor from accessing the adult oriented  
 35 website.

36 Sec. 9. (a) If:

37 (1) an adult oriented website operator knowingly or  
 38 intentionally publishes an adult oriented website in violation  
 39 of section 8 of this chapter; and

40 (2) a minor accesses the adult oriented website;

41 the parent or guardian of the minor who accessed the adult  
 42 oriented website may bring an action against the adult oriented



- 1 website operator.
- 2 (b) A parent or guardian who prevails in an action described in  
3 this section is entitled to:
- 4 (1) either:
- 5 (A) actual damages; or
- 6 (B) liquidated damages of one thousand dollars (\$1,000);
- 7 (2) injunctive relief; and
- 8 (3) court costs, reasonable attorney's fees, and other  
9 reasonable expenses of litigation, including expert witness  
10 fees.
- 11 **Sec. 10. (a) If an adult oriented website operator publishes an  
12 adult oriented website in violation of section 8 of this chapter, any  
13 person may bring an action to seek injunctive relief.**
- 14 (b) A person that brings an action for injunctive relief under  
15 this section and prevails is entitled to:
- 16 (1) injunctive relief; and
- 17 (2) court costs, reasonable attorney's fees, and other  
18 reasonable expenses of litigation, including expert witness  
19 fees.
- 20 **Sec. 11. (a) This section applies to a person that uses or purports  
21 to use a reasonable age verification method to grant or deny access  
22 to an adult oriented website.**
- 23 (b) A person to which this section applies may not retain  
24 identifying information of the person seeking access to an adult  
25 oriented website, unless retention of the identifying information is  
26 required by a court order.
- 27 (c) An individual whose identifying information is retained in  
28 violation of this section may bring an action against the person that  
29 unlawfully retained the individual's identifying information. An  
30 individual who prevails in an action described in this section is  
31 entitled to:
- 32 (1) either:
- 33 (A) actual damages; or
- 34 (B) liquidated damages of one thousand dollars (\$1,000);
- 35 (2) injunctive relief; and
- 36 (3) court costs, reasonable attorney's fees, and other  
37 reasonable expenses of litigation, including expert witness  
38 fees.
- 39 **Sec. 12. An adult oriented website operator who knowingly or  
40 intentionally publishes an adult oriented website without using a  
41 reasonable age verification method to prevent a minor from  
42 accessing the adult oriented website commits allowing a child to**



1 access Internet pornography, a Class A misdemeanor. However,  
2 the offense is a Level 6 felony if the adult oriented website operator  
3 has:  
4 (1) a prior unrelated conviction under this section; or  
5 (2) been found liable in a prior unrelated civil action brought  
6 under section 9 or 10 of this chapter.  
7 SECTION 2. IC 35-52-24-20.5 IS ADDED TO THE INDIANA  
8 CODE AS A NEW SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2024]: **Sec. 20.5. IC 24-4-23-12 defines a**  
10 **crime concerning an adult oriented website.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 17, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, after "website." insert "**The term does not include the following:**

- (1) A newspaper or news service that publishes news related information through a website.**
- (2) A cloud service provider.**
- (3) An Internet provider, an affiliate or subsidiary of an Internet provider, or a search engine that:**
  - (A) solely provides access or connection to a website or other Internet content that is not under the control of that Internet service provider, affiliate or subsidiary, or search engine; and**
  - (B) is not responsible for creating or publishing the content that constitutes material harmful to minors."**

and when so amended that said bill do pass.

(Reference is to SB 17 as introduced.)

BROWN L, Chairperson

Committee Vote: Yeas 10, Nays 0.

