

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 864

By: Silk

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; creating
8 the Human Trafficking and Child Exploitation
9 Prevention Act; requiring businesses and individuals
10 that make content accessible on the Internet to
11 install and operate digital blocking capability;
12 providing guidelines and procedures; allowing for
13 deactivation of digital blocking capability under
14 certain circumstances; providing for digital access
15 fees; directing quarterly submission of digital
16 access fees to State Treasurer; directing State
17 Treasurer to remit funds into General Revenue Fund of
18 the state; providing for content to be unblocked;
19 prohibiting digital blocking capabilities from
20 filtering social media websites; providing penalties
21 for violating digital content blocking requirements;
22 providing exception to criminal liability;
23 authorizing consumer or Attorney General to seek
24 certain relief; providing for attorney fees and
25 costs; providing for codification; providing for
26 noncodification; and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law not to be
21 codified in the Oklahoma Statutes reads as follows:

22 This act shall be known and may be cited as the "Human
23 Trafficking and Child Exploitation Prevention Act".
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1 SECTION 2. 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 A. A business, manufacturer, wholesaler or individual that
5 manufactures, distributes or sells a product that makes content
6 accessible on the Internet is prohibited from doing business in this
7 State unless the product contains an active and operating digital
8 blocking capability that renders any obscene material, as defined in
9 Section 1024.1 of Title 21 of the Oklahoma Statutes, inaccessible.

10 B. The business, manufacturer, wholesaler or individual must:

11 1. Make reasonable and ongoing efforts to ensure that the
12 digital content blocking capability functions properly, including
13 establishing a reporting mechanism such as a website or call center
14 to allow for a consumer to report unblocked obscene content or
15 report blocked content that is not obscene;

16 2. Ensure that all child pornography and private sexual images
17 published without the consent of all parties is inaccessible on the
18 product;

19 3. Prohibit the product from accessing any hub that facilitates
20 prostitution; and

21 4. Render websites that are known to facilitate any trafficking
22 of persons, as defined in Section 748 of Title 21 of the Oklahoma
23 Statutes, inaccessible.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1040.82 of Title 21, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Any digital blocking capability may be deactivated after the
5 consumer:

6 1. Requests that the capability be disabled;
7 2. Presents identification to verify that the consumer is
8 eighteen (18) years of age or older;

9 3. Acknowledges receiving a written warning regarding the
10 potential danger of deactivating the digital blocking capability;
11 and

12 4. Pays a one-time digital access fee of Twenty Dollars
13 (\$20.00) to the business, manufacturer, wholesaler or individual
14 that manufactures, distributes or sells the product that makes the
15 content accessible on the Internet.

16 Nothing in this act shall be construed to prevent the seller
17 from charging its own separate deactivation fee for profit.

18 B. Digital access fees collected by the business, manufacturer,
19 wholesaler, or individual, as provided in paragraph 4 of this
20 section, shall be remitted to the State Treasurer each quarter. All
21 monies derived from the digital access fee shall be deposited to the
22 credit of the General Revenue Fund of the State Treasury.

1 SECTION 4. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1040.83 of Title 21, unless
3 there is created a duplication in numbering, reads as follows:

4 A. If the digital blocking capability blocks content that is
5 not obscene and the block is reported to a call center or reporting
6 website, the content must be unblocked within a reasonable time but
7 in no event later than five (5) business days after the block is
8 reported.

9 B. The digital blocking capability may not filter social media
10 websites that are primarily used for social interaction if these
11 websites have a reporting center and remain reasonably proactive in
12 removing reported obscene content.

13 C. The consumer may seek judicial relief to unblock filtered
14 content. The prevailing party in a civil action may seek attorney
15 fees and costs.

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1040.84 of Title 21, unless
18 there is created a duplication in numbering, reads as follows:

19 A. A business or individual that violates the provisions of
20 this act by manufacturing, distributing or selling a product that
21 makes content accessible on the Internet without the digital content
22 blocking capability, selling the product to a minor without
23 activated filters, or providing the means to disable the digital
24 content blocking capability is, upon conviction, guilty of a

1 misdemeanor punishable by imprisonment in the county jail for a term
2 not exceeding one (1) year, or by a fine of not less than One
3 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

4 B. A business or individual who complies with the provisions of
5 Section 3 of this act is not subject to criminal liability for
6 violating the provisions of this act.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1040.85 of Title 21, unless
9 there is created a duplication in numbering, reads as follows:

10 A. The Office of the Attorney General is authorized to seek
11 injunctive relief against any business, manufacturer, wholesaler or
12 individual that manufactures, distributes or sells any products in
13 this state that violates the provisions of this act.

14 B. If a business, manufacturer, wholesaler or individual is
15 unresponsive to a report of obscene material that has breached the
16 filter, the consumer or the Attorney General may file a civil suit.
17 The consumer or the Attorney General may seek damages of up to Five
18 Hundred Dollars (\$500.00) for each piece of content that was
19 reported but not subsequently blocked.

20 C. The prevailing party in the civil action may seek attorney
21 fees and costs.

22 SECTION 7. This act shall become effective November 1, 2019.

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