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## DIGEST

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HB 172 Original

2017 Regular Session

Horton

**Abstract:** Creates the "Human Trafficking and Child Exploitation Prevention Act" and requires retailers of internet capable devices to install a digital blocking capability prior to sale or lease to a consumer.

Proposed law enacts the "Human Trafficking and Child Exploitation Prevention Act".

Proposed law provides for definitions.

Proposed law requires that any internet capable device that is sold or leased by a retailer in this state or that is sold or leased and delivered by a retailer to a consumer at an address within this state include an active and operating digital blocking capability that renders obscene material inaccessible except as provided by proposed law.

Proposed law requires that the manufacturer or retailer of the internet capable device prioritize blocking access to child pornography, revenge pornography, and any website known to facilitate prostitution and human trafficking.

Proposed law requires that either the manufacturer or the retailer of any internet capable device do all of the following:

- (1) Regularly make available to consumers updates to the digital blocking capability to ensure its effectiveness in blocking access to obscene material.
- (2) Maintain a website or telephone line that consumers can use to report either obscene material that is not blocked by the digital blocking capability or material that is not obscene but is inadvertently blocked by the digital blocking capability.
- (3) Maintain procedures for utilizing the reports collected pursuant to proposed law and for updating the digital blocking capability in a reasonable amount of time if necessary.

Proposed law restricts the digital blocking capability by disallowing either the manufacturer or the retailer to block access to any social media website that provides a means for its users to report obscene material and that has procedures in place for utilizing those reports and for removing obscene material.

Proposed law restricts a retailer from deactivating the digital blocking capability of an internet

capable device and providing to a consumer any methods, source code, or other instructions for deactivating the digital blocking capability of an internet capable device except as allowed by proposed law.

Proposed law requires a retailer to deactivate the digital blocking capability of an internet capable device if the consumer who purchased or leased the product does all of the following:

- (1) Requests in writing that the digital capability be deactivated.
- (2) Presents identification verifying that the consumer is at least 18 years of age.
- (3) Acknowledges a written warning regarding the potential danger of deactivating the digital blocking capability.
- (4) Pays a one-time fee of \$20.

Proposed law requires retailers to remit quarterly all monies generated by the fee collected pursuant to proposed law to the Dept. of the Treasury in the manner prescribed by the treasurer.

Proposed law requires the treasurer to deposit all monies collected pursuant to proposed law in the Exploited Children's Special Fund (R.S. 15:539.2).

Proposed law provides that all monies deposited, pursuant to proposed law, may be used only by one or more of the following:

- (1) The Dept. of Justice for the purpose of grants made to faith-based groups or other charitable organizations for the purpose of providing services to victims of human trafficking or preventing sex trafficking.
- (2) The La. Dept. of Health for the purpose of grants made to support programs assisting victims of human trafficking.
- (3) The office of the governor for the purpose of grants made to support human trafficking prosecution projects.
- (4) Any state agency or organization for the purpose of maintaining human trafficking prevention and enforcement programs.

Proposed law authorizes either the attorney general or the appropriate district attorney to institute an action of injunctive relief to enjoin any retailer who is in violation of the provisions of proposed law.

Proposed law provides that the attorney general or the appropriate district attorney who institutes the action for injunctive relief may recover reasonable expenses and attorney fees for enforcement of the provisions of proposed law.

Proposed law provides that any consumer injured by a violation of proposed law may bring an action for recovery of damages.

Proposed law provides that the damages awarded shall not be less than the amount the consumer paid the retailer to purchase or lease the internet capable device with respect to which the violation occurred plus reasonable expenses and attorney fees.

Proposed law provides for the following penalties:

- (1) If the consumer is under the age of 18 years, the offender shall either be fined not more than \$4,000, imprisoned for up to six months, or both.
- (2) If the consumer is 18 years of age or older, the offender shall be fined not more than \$500.

Effective January 1, 2018.

(Adds R.S. 45:1701-1707)