

2019 -- H 5474

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - INTERNET DIGITAL BLOCKING

Introduced By: Representatives Diaz, and Lima

Date Introduced: February 14, 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.**

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

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

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

11 (2) Establish a reporting mechanism, such as a website or call center, to allow a consumer
12 to report unblocked sexual content or potentially offensive material or report blocked material
13 that is not sexual content or potentially offensive;

14 (3) Ensure that all child pornography and revenge pornography is inaccessible on the
15 product;

16 (4) Prohibit the product from accessing any hub that facilitates prostitution; and

17 (5) Render websites that are known to facilitate human trafficking, in violation of chapter
18 67.1 of title 11, inaccessible; and

19 (6) Report child pornography received to the National Center for Missing and Exploited

1 Children's cybertipline in accordance with 18 U.S.C. § 2258A.

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

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

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

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

8 (4) Pays a one-time twenty-dollar (\$20.00) digital access fee to be remitted to the state to
9 fund the "Rhode Island prevention of human trafficking victims' fund."

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

12 (e) There is hereby created in the department of attorney general a special nonreverting
13 fund to be known as the 'Rhode Island prevention of human trafficking victims' fund" referred to
14 in this section as the "victims' fund". All monies accruing to the victims' fund shall be managed
15 and disbursed in the discretion of the attorney general in accordance with the provisions of this
16 section. Interest earned on monies in the victims' fund shall remain in the victims' fund and be
17 credited to it. Any monies remaining in the victims' fund, including interest thereon, at the end of
18 the fiscal year shall not revert to the general fund but shall remain in the victims' fund. Monies in
19 the victims' fund shall be used exclusively for the purposes authorized in this section.

20 (f) A person who manufactures, sells, offers for sale, leases, or distributes a product that
21 makes content accessible on the Internet shall submit the funds collected as the digital access fee,
22 pursuant to subsection (c)(4) of this section to the general treasurer each quarter. The general
23 treasurer shall forward the funds collected to the attorney general for deposit in the victims' fund.
24 The attorney general may disburse money from the victims' fund to provide funding for:

25 (1) Operational expenses for the council on human trafficking established by § 11-67.1-
26 19;

27 (2) To assist in the funding by expenditure or grant, of entities and/or individuals
28 promoting, participating or conducting programs which assist victims of human child exploitation
29 and human trafficking by providing any of the following services or support:

30 (i) Rape-kit testing;

31 (ii) Physical and/or mental health care services;

32 (iii) Temporary or permanent housing;

33 (iv) Educational or vocational training;

34 (v) Training for public safety personnel;

1 (vi) Victims compensation; and

2 (vii) Victims' family counseling.

3 (3) Any state agency, department, organization or entity for the purpose of identification
4 and/or prosecution of human trafficking crimes.

5 (g) If the digital blocking capability blocks material that is not sexual content nor patently
6 offensive and the block is reported to a call center or reporting website, the material shall be
7 unblocked within a reasonable time, but in no event later than five (5) business days after the
8 block is first reported.

9 (h) A consumer or the attorney general may seek judicial relief to unblock filtered
10 content.

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

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

22 (k) A person who knowingly manufacturers, sells, offers for sale, leases, or distributes a
23 product that makes sexual content shall be fined not more than one thousand dollars (\$1,000) if
24 the person:

25 (1) Provides the source code or mechanism to deactivate to a minor or a nonconsenting
26 adult;

27 (2) Fails to install block capability to prevent dissemination of obscene material, child
28 pornography, revenge pornography, or allows access to websites that are known to facilitate
29 human trafficking or prostitution; or

30 (3) Deactivates the filter without complying with the provisions of this section.

31 (l) This act shall not apply to:

32 (1) An occasional sale of an Internet enabled device by a person that is not regularly
33 engaged in the trade business of selling Internet enabled devices;

34 (2) Products manufactured or sold before enactment;

1 (3) A person who manufacturers, sells, offers for sale, leases, or distributes a product that
2 makes content accessible on the Internet and who is not subject to this state's jurisdiction.

3 SECTION 2. This act shall take effect on July 1, 2020.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - INTERNET DIGITAL BLOCKING

1 This act would require Internet service providers to provide digital blocking of sexual
2 content and patently offensive material. It would allow consumers to deactivate digital block
3 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.

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

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