

Rough Draft  
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REFERENCE TITLE: **obscenity; sex trafficking; prevention**

State of Arizona  
House of Representatives  
Fifty-third Legislature  
Second Regular Session  
2018

**H. B. \_\_\_\_\_**

Introduced by \_\_\_\_\_

AN ACT

AMENDING SECTION 41-2407, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2017, CHAPTER 125, SECTION 1 AND CHAPTER 229, SECTION 18; REPEALING SECTION 41-2407, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2017, CHAPTER 303, SECTION 12; AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 37; RELATING TO SEX TRAFFICKING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2407, Arizona Revised Statutes, as amended by  
3 Laws 2017, chapter 125, section 1 and chapter 229, section 18, is amended  
4 to read:

5 41-2407. Victim compensation and assistance fund;  
6 subrogation; prohibited debt collection activity;  
7 definition

8 A. The victim compensation and assistance fund is established. The  
9 Arizona criminal justice commission shall administer the fund. The victim  
10 compensation and assistance fund shall consist of monies collected  
11 pursuant to section 12-116.01 and distributed pursuant to section 41-2401,  
12 subsection D, paragraph ~~14~~ 13, monies collected pursuant to section  
13 31-411, subsection E and sections 13-4311, 31-418, 31-467.06, ~~and~~ 41-1674  
14 AND 44-7903, unclaimed victim restitution monies pursuant to sections  
15 22-116 and 44-313 and monies available from any other source.

16 B. Subject to legislative appropriation, the Arizona criminal  
17 justice commission shall allocate monies in the victim compensation and  
18 assistance fund to public and private agencies for the purpose of  
19 establishing, maintaining and supporting programs that compensate and  
20 assist victims of crime, INCLUDING PROGRAMS THAT DO ALL OF THE FOLLOWING:

- 21 1. DEVELOP, EXPAND OR STRENGTHEN PROGRAMS FOR VICTIMS OF SEX  
22 TRAFFICKING AND CHILD EXPLOITATION.
- 23 2. PREVENT SEX TRAFFICKING, INCLUDING INCREASING PUBLIC AWARENESS.
- 24 3. PROTECT VICTIMS OF SEX TRAFFICKING, INCLUDING THE TRAINING OF  
25 FIRST RESPONDERS.

26 C. The allocation of monies pursuant to this section shall be made  
27 in accordance with rules adopted by the Arizona criminal justice  
28 commission pursuant to section 41-2405, subsection A, paragraph 8. The  
29 rules shall provide that persons who suffered personal injury or death  
30 that resulted from an attempt to aid a public safety officer in the  
31 prevention of a crime or the apprehension of a criminal may be eligible  
32 for compensation.

33 D. This state and the applicable operational unit or qualified  
34 program, as defined in the victim compensation program rules, are  
35 subrogated to the rights of an individual who receives monies from the  
36 victim compensation and assistance fund to recover or receive monies or  
37 benefits from a third party, to the extent of the amount of monies the  
38 individual receives from the fund.

39 E. A licensed health care provider who agrees to the victim  
40 compensation program rules may receive program monies for providing health  
41 and medical services to a victim or claimant. A licensed health care  
42 provider who accepts the full allowable payment for those services from a  
43 victim compensation program funded pursuant to this section is deemed to  
44 have accepted the payment as the full payment for those services. The  
45 licensed health care provider may not collect or attempt to collect any

1 payment for the same health and medical services from the victim or  
2 claimant, except that if a victim compensation program funded pursuant to  
3 this section is unable to pay the full allowable payment to a licensed  
4 health care provider because of a lack of available monies or for any  
5 other reason, the licensed health care provider may collect the unpaid  
6 balance for the services from the victim or claimant or from a third-party  
7 payor, and the total amount billed or requested by the licensed health  
8 care provider may not exceed the full allowable payment that the licensed  
9 health care provider agreed to accept from the victim compensation program  
10 for the services.

11 F. If a licensed health care provider receives notice that a person  
12 has filed a claim with a victim compensation program funded by this  
13 section, the licensed health care provider is prohibited from any debt  
14 collection activity for any monies owed by the person that are included in  
15 the filed claim until an award is made on the claim or until a  
16 determination is made that the claim is noncompensable. For the purposes  
17 of this subsection, "debt collection activity" includes repeatedly  
18 telephoning or writing to the claimant and threatening to either turn the  
19 matter over to a debt collection agency or to an attorney for collection,  
20 enforcement or filing of any other debt collection process. Debt  
21 collection activity does not include routine billing or inquiries about  
22 the status of the claim.

23 G. For the purposes of this section, "licensed health care  
24 provider" means a person or institution that is licensed or certified by  
25 this state to provide health care services, medical services, nursing  
26 services, emergency medical services and ambulance services that are  
27 regulated pursuant to title 36, chapter 21.1, article 2 or other  
28 health-related services.

29 Sec. 2. Repeal

30 Section 41-2407, Arizona Revised Statutes, as amended by Laws 2017,  
31 chapter 303, section 12, is repealed.

32 Sec. 3. Title 44, Arizona Revised Statutes, is amended by adding  
33 chapter 37, to read:

34 CHAPTER 37

35 SEX TRAFFICKING PREVENTION ACT

36 ARTICLE 1. GENERAL PROVISIONS

37 44-7901. Definitions

38 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

39 1. "FILTER" MEANS A DEVICE THAT HAS ACTIVE DIGITAL CONTENT-BLOCKING  
40 CAPABILITY.

41 2. "PERSON" MEANS AN INDIVIDUAL OR ENTITY, INCLUDING A MANUFACTURER  
42 OR WHOLESALE, THAT DISTRIBUTES OR SELLS ANY PRODUCT THAT MAKES ACCESSIBLE  
43 ANY CONTENT ON THE INTERNET WITHIN THIS STATE.

44 3. "PRODUCT" MEANS ANY PRODUCT THAT MAKES CONTENT ON THE INTERNET  
45 ACCESSIBLE.



1           44-7903. Filter deactivation; fee; report

2           A. A PERSON MAY NOT DEACTIVATE A FILTER BY SHARING THE METHODS,  
3 SOURCE CODES OR OTHER OPERATING INSTRUCTIONS OF THE FILTER, EXCEPT THAT  
4 THE PERSON MUST DEACTIVATE THE FILTER IF A CONSUMER DOES ALL OF THE  
5 FOLLOWING:

6           1. REQUESTS IN WRITING THAT THE FILTER BE DEACTIVATED.

7           2. MEETS WITH THE PERSON AND VERIFIES THAT THE CONSUMER IS AT LEAST  
8 EIGHTEEN YEARS OF AGE.

9           3. ACKNOWLEDGES RECEIVING A WRITTEN WARNING REGARDING THE POTENTIAL  
10 DANGER OF FILTER DEACTIVATION.

11           4. PAYS A FEE PRESCRIBED BY SUBSECTION B OF THIS SECTION.

12           B. IF A PERSON DEACTIVATES A FILTER AT THE CONSUMER'S REQUEST, THE  
13 PERSON SHALL COLLECT A FEE FROM THE CONSUMER IN AN AMOUNT TO BE DETERMINED  
14 BY THE CHIEF EXECUTIVE OFFICER OF THE ARIZONA COMMERCE AUTHORITY AND REMIT  
15 THE FEE TO THE ARIZONA COMMERCE AUTHORITY.

16           C. THE PERSON SHALL FILE A REPORT WITH THE ARIZONA COMMERCE  
17 AUTHORITY IN A MANNER PRESCRIBED BY THE CHIEF EXECUTIVE OFFICER OF THE  
18 ARIZONA COMMERCE AUTHORITY.

19           D. THE CHIEF EXECUTIVE OFFICER OF THE ARIZONA COMMERCE AUTHORITY  
20 SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, THE MONIES  
21 COLLECTED PURSUANT TO THIS SECTION AS FOLLOWS:

22           1. FIFTY PERCENT IN THE STATE GENERAL FUND.

23           2. FIFTY PERCENT IN THE VICTIM COMPENSATION AND ASSISTANCE FUND  
24 ESTABLISHED BY SECTION 41-2407.

25           44-7904. Duty to hide prostitution and sex trafficking  
26 websites; injunctive relief

27           A. A PERSON SHALL ENSURE THAT PROSTITUTION WEBSITES ARE  
28 INACCESSIBLE IN ORDER NOT TO PROMOTE PROSTITUTION AND EXPOSE CONSUMERS TO  
29 CRIMINAL PROSECUTION UNDER SECTIONS 13-3212 AND 13-3214.

30           B. A PERSON SHALL MAKE INACCESSIBLE WEBSITES THAT ARE KNOWN TO  
31 FACILITATE SEX TRAFFICKING AS PRESCRIBED IN SECTION 13-1307.

32           C. A COUNTY ATTORNEY OR THE ATTORNEY GENERAL MAY SEEK INJUNCTIVE  
33 RELIEF AGAINST A PERSON TO REQUIRE THE PERSON TO MAKE THE FILTER BLOCK A  
34 WEBSITE THAT IS SUBSTANTIALLY BEING USED TO ADVANCE PROSTITUTION PURSUANT  
35 TO SECTION 13-3214 OR SEX TRAFFICKING PURSUANT TO SECTION 13-1307.

36           44-7905. Selling filterless products to minors and  
37 nonconsenting adults; violation; classification

38           A. A PERSON THAT DISTRIBUTES OR SELLS TO A MINOR A PRODUCT WITHOUT  
39 ACTIVATED FILTERS SET TO BLOCK OBSCENITY OR THAT PROVIDES THE MECHANISM TO  
40 DEACTIVATE THE FILTER IS GUILTY OF A CLASS 6 FELONY AND MAY BE SUBJECT TO  
41 PROSECUTION UNDER SECTIONS 13-3507 AND 13-3558.

42           B. UNLESS A CONSUMER REQUESTS IN WRITING THAT A FILTER BE  
43 DEACTIVATED PURSUANT TO SECTION 44-7903, A PERSON THAT PROVIDES A CONSUMER  
44 WITH A FILTERLESS DEVICE OR THE MECHANISM TO DEACTIVATE THE FILTER THAT  
45 BLOCKS OBSCENITY IS GUILTY OF A CLASS 6 FELONY.

1           44-7906. Immunity from criminal liability  
2           A PERSON THAT COMPLIES WITH THIS CHAPTER BY PROVIDING PRESET FILTERS  
3           THAT AUTOMATICALLY ATTEMPT TO BLOCK OBSCENITY AND BY WITHHOLDING THE  
4           MECHANISM TO DEACTIVATE THE FILTER IS IMMUNE FROM CRIMINAL LIABILITY.  
5           44-7907. Jurisdiction  
6           THE ATTORNEY GENERAL HAS CONCURRENT JURISDICTION WITH A COUNTY  
7           ATTORNEY FOR ANY VIOLATION OF THIS CHAPTER.  
8           Sec. 4. Short title  
9           This act may be cited as the "Sex Trafficking Prevention Act".