

By: Senator(s) Blackwell

To: Judiciary, Division B

SENATE BILL NO. 2315

1 AN ACT TO CREATE THE HUMAN TRAFFICKING AND CHILD EXPLOITATION
 2 PREVENTION ACT; TO PROHIBIT ANY DEVICE THAT MAKES INTERNET CONTENT
 3 AVAILABLE THAT DOES NOT CONTAIN DIGITAL BLOCKING CAPABILITY; TO
 4 PROVIDE THAT BLOCKING CAPABILITY MAY BE DISABLED; TO REQUIRE A
 5 ONE-TIME \$20.00 DIGITAL ACCESS FEE OR A \$20.00 OPT-OUT FEE; TO
 6 PROVIDE FOR THE DISPOSITION OF THE FEES COLLECTED; TO CREATE A
 7 CIVIL CAUSE OF ACTION AGAINST VIOLATORS; TO CREATE A CIVIL
 8 PENALTY; TO CREATE A GRANT PROGRAM TO BE ADMINISTERED BY THE
 9 DEPARTMENT OF PUBLIC SAFETY; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** (1) This act shall be known and may be cited as
 12 the "Human Trafficking and Child Exploitation Prevention Act."

13 (2) It is unlawful to manufacture, sell, offer for sale,
 14 lease, or distribute a product that makes content accessible on
 15 the Internet unless the product contains digital blocking
 16 capability that is capable of rendering any obscene material, as
 17 defined in Section 97-29-103, inaccessible to a minor if the
 18 digital blocking capability is active and properly operating to
 19 make obscene material inaccessible.



20 (3) A person who manufactures, sells, offers for sale,
21 leases, or distributes a product that makes content accessible on
22 the Internet shall:

23 (a) Make reasonable and ongoing efforts to ensure that
24 the digital content blocking capability functions properly;

25 (b) Establish a reporting mechanism, such as a website
26 or call center, to allow a consumer to report unblocked obscene
27 material or report blocked material that is not obscene;

28 (c) Ensure that all child pornography and revenge
29 pornography is inaccessible on the product;

30 (d) Prohibit the product from accessing any hub that
31 facilitates prostitution; and

32 (e) Render websites that are known to facilitate human
33 trafficking, in violation of the Mississippi Human Trafficking
34 Act, Section 97-3-54 et seq., inaccessible.

35 (4) (a) Digital blocking capability may be deactivated
36 after a consumer:

37 (i) Requests that the capability be disabled;

38 (ii) Presents identification to verify that the
39 consumer is eighteen (18) years of age or older;

40 (iii) Acknowledges receiving a written warning
41 regarding the potential danger of deactivating the digital
42 blocking capability; and

43 (iv) Pays a one-time Twenty Dollar (\$20.00)
44 digital access fee.



45 (b) A person who manufactures, sells, offers for sale,
46 leases, or distributes a product that makes content accessible on
47 the Internet may elect to pay a Twenty Dollar (\$20.00) opt-out fee
48 for each product that enters this state's stream of commerce.

49 (c) A person who manufactures, sells, offers for sale,
50 leases, or distributes a product that makes content accessible on
51 the Internet shall submit the funds collected as the digital
52 access fee under subsection (3)(a)(iv) of this section, or the
53 opt-out fee under subsection (3)(b) of this section, to the State
54 Treasurer each quarter following appropriate procedures
55 established by the State Auditor. It shall be the duty of the
56 Department of Finance and Administration to deposit all such funds
57 remitted under this section as follows:

58 (i) Sixty percent (60%) shall be deposited into
59 the Mississippi Crime Victims' Compensation Fund established in
60 Section 99-41-29;

61 (ii) Twenty percent (20%) shall be deposited to
62 the Mississippi Department of Public Safety to be used to provide
63 grants to state agencies, units of local government and
64 nongovernmental agencies to develop, expand or strengthen programs
65 for victims of human trafficking and child exploitation as
66 provided in Section 2 of this act; and

67 (iii) Twenty percent (20%) shall be deposited into
68 the State General Fund.



69 (5) (a) If the digital blocking capability blocks material
70 that is not obscene and the block is reported to a call center or
71 reporting website, the material shall be unblocked within a
72 reasonable time, but in no event later than five (5) business days
73 after the block is first reported.

74 (b) A consumer may seek judicial relief to unblock
75 filtered content.

76 (c) If a person who manufactures, sells, offers for
77 sale, leases, or distributes a product that makes content
78 accessible on the Internet is unresponsive to a report of obscene
79 material that has breached the filter, the Attorney General or a
80 consumer may file a civil suit. The Attorney General or a
81 consumer may seek damages of up to Five Hundred Dollars (\$500.00)
82 for each piece of content that was reported but not subsequently
83 blocked. The prevailing party in the civil action may seek and be
84 awarded attorneys' fees.

85 (6) A person who violates subsection (1) of this section
86 shall be subject to a civil penalty of up to One Thousand Dollars
87 (\$1,000.00) for a first offense, Two Thousand Dollars (\$2,000.00)
88 for a second offense, and Fifty Thousand Dollars (\$50,000.00) for
89 each third or subsequent offense, to be collected in a civil
90 action.

91 **SECTION 2.** (1) There is established in the State Treasury a
92 special fund to be known as the Human Trafficking and Child
93 Exploitation Prevention Fund. The fund shall consist of those



94 funds collected as provided in Section 1 of this act, and may
95 include any additional funds made available by the Legislature or
96 by donation, contribution, gift or any other source. The purpose
97 of the fund is to provide support to state agencies, units of
98 local government and nongovernmental agencies to develop, expand
99 or strengthen programs for victims of human trafficking and child
100 exploitation

101 (2) Unexpended amounts remaining in the fund at the end of
102 the state fiscal year shall not lapse into the State General Fund,
103 and any income earned on amounts in the fund shall be deposited to
104 the credit of the fund.

105 (3) The Department of Public Safety shall be responsible for
106 the management of the fund and the disbursement of grant amounts
107 authorized under Section 1 of this act. The Department of Public
108 Safety shall adopt rules and regulations necessary to implement
109 and standardize the application for and payment of grant benefits
110 under this section, to administer the fund created by this section
111 and to carry out the purposes of this section and Section 1 of
112 this act.

113 **SECTION 3.** This act shall take effect and be in force from
114 and after its passage.

