
A BILL FOR AN ACT

RELATING TO PORNOGRAPHY BLOCKERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to title 26 to be appropriately designated
3 and to read as follows:

4 "CHAPTER

5 DIGITAL PORNOGRAPHIC CONTENT BLOCKING CAPABILITIES IN PRODUCTS

6 THAT MAKE CONTENT ACCESSIBLE ON THE INTERNET

7 § -1 Pornographic content blocking capabilities in
8 products that make content accessible on the Internet required.

9 (a) It is unlawful and a violation of section 712- for any
10 person to manufacture, sell, offer for sale, lease, or
11 distributed a product that makes content accessible on the
12 Internet:

13 (1) Unless the product contains digital blocking
14 capability that renders pornographic material
15 inaccessible; and



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1 (2) To a minor unless the digital blocking capability is
2 active and properly operating to make obscene material
3 inaccessible.

4 (b) Any person who manufactures, sells, offers for sale,
5 leases, or distributes a product that makes content accessible
6 on the Internet shall make reasonable and ongoing efforts to:

7 (1) Ensure that the digital content blocking capability
8 functions properly;

9 (2) Establish and maintain a reporting mechanism, such as
10 a website or call center, to allow a consumer to
11 report unblocked pornographic material or report
12 blocked material that is not pornographic;

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

15 (4) Prohibit the product from accessing any hub, website,
16 or internet service that facilitates prostitution; and

17 (5) Render websites that are known to facilitate human
18 trafficking inaccessible.

19 (c) As used in this section:

20 "Child pornography" has the same meaning as defined in
21 section 707-750.



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1 "Pornographic" has the same meaning as defined in section
2 712-1210.

3 § -2 Deactivation of digital blocking capacity. (a)

4 Any digital blocking capacity required under this chapter may be
5 deactivated after a consumer:

6 (1) Requests that the capability be disabled;

7 (2) Presents identification to verify that the consumer is
8 eighteen years of age or older;

9 (3) Acknowledges receiving a written warning regarding the
10 potential dangers of deactivating the digital blocking
11 capability; and

12 (4) Pays a one-time \$20 digital access fee.

13 (b) All moneys collected pursuant to subsection (a)(4)
14 shall be submitted to the state treasury and deposited into the
15 human trafficking victim services fund established under section
16 706-650.5.

17 (c) A person who manufactures, sells, offers for sale,
18 leases, or distributes a product that makes content accessible
19 on the Internet may charge their own separate opt-in fee for
20 each product that enters the State's stream of commerce.



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1 § -3 Material that is improperly blocked; failure to
2 block material. (a) If the digital blocking capability blocks
3 material that is not pornographic and the block is reported to a
4 call center or reporting website, the material shall be
5 unblocked within a reasonable time, but in no event later than
6 five business days after the block is first reported.

7 (b) A consumer may seek judicial relief to unblock
8 filtered content.

9 (c) If the digital blocking capability fails to block
10 pornographic material and the failure is reported to a call
11 center or reporting website, the material shall be blocked
12 within a reasonable time, but in no event later than five
13 business days after the failure to block is first reported. If
14 a person who manufactures, sells, offers for sale, leases, or
15 distributes a product that makes content accessible on the
16 Internet is unresponsive to a report of pornographic material
17 that has breached the filter, the attorney general or a consumer
18 may file a civil suit. The attorney general or a consumer may
19 seek damage of up to \$500 for each piece of content that is
20 reported but not subsequently blocked. The prevailing party in
21 the civil action may seek attorney fees.



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1 (d) For the purposes of this section, "pornographic" has
2 the same meaning as defined in section 712-1210."

3 SECTION 2. Chapter 712, Hawaii Revised Statutes, is
4 amended by adding a new section to part II to be appropriately
5 designated and to read as follows:

6 "§712- Failure to include digital pornographic content
7 blocking capability. (1) A person commits the offense of
8 failure to include digital pornography blocking capability if
9 the person knowingly manufactures, sells, offers for sale,
10 leases, or distributes a product that makes content accessible
11 on the Internet:

12 (a) Unless the product contains digital blocking
13 capability that renders pornographic material
14 inaccessible; and

15 (b) To a minor unless the digital blocking capability is
16 active and properly operating to make obscene material
17 inaccessible.

18 (2) Failure to include digital pornography blocking
19 capability is a misdemeanor."



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1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY: _____



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Report Title:

Pornography; Digital Blocking Capabilities

Description:

Requires persons who manufacture, sell, offer for sale, lease, or distribute a product that makes content accessible on the internet to include digital blocking capability that renders pornographic material inaccessible. Allows consumers to disable the blocking capability if the consumer fulfills certain requirements, including payment of a digital access fee that is deposited into the human trafficking victim services fund. Requires persons who manufacture, sell, offer for sale, lease, or distribute a product that makes content accessible on the internet to establish and maintain a reporting system for content that is improperly blocked and pornographic content that the blocking capability fails to block. Establishes the offense of failure to include digital pornography blocking capability.

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