



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

INTRODUCED _____, BY

SYNOPSIS AS INTRODUCED:

New Act
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the Human Trafficking and Child Exploitation Prevention Act. Provides that it is unlawful to make available a device that makes content accessible on the Internet unless the product contains digital blocking capability that renders obscene material inaccessible. Permits the blocking capability to be deactivated. Provides a remedy if non-obscene material is blocked. Imposes a fee upon devices for which blocking capability is disabled. Permits the collection of opt-in fees for products that make Internet content available. Authorizes the Attorney General or a consumer to seek damages. Provides that fees shall be remitted to the Department of Revenue. Specifies the purposes for which, subject to appropriation, the fees may be used. Amends the Consumer Fraud and Deceptive Business Practices Act to include this Act within the list of Acts subject to the Consumer Fraud and Deceptive Business Practice Act.

LRB100 16221 JLS 31344 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Human
5 Trafficking and Child Exploitation Prevention Act.

6 Section 5. Unlawful practice.

7 (a) A person may not manufacture, sell, offer for sale,
8 lease, or distribute a product that makes content accessible on
9 the Internet:

10 (1) unless the product contains digital blocking
11 capability that renders any obscene material, as defined in
12 Criminal Code of 2012, inaccessible; and

13 (2) to a minor unless the digital blocking capability
14 is active and properly operating to make obscene material
15 inaccessible.

16 (b) A person who manufactures, sells, offers for sale,
17 leases, or distributes a product that makes content accessible
18 on the Internet shall:

19 (1) make reasonable and ongoing efforts to ensure that
20 the digital content blocking capability functions
21 properly;

22 (2) establish a reporting mechanism, such as a website
23 or call center, to allow a consumer to report unblocked

1 obscene material or report blocked material that is not
2 obscene;

3 (3) ensure that all child pornography and revenge
4 pornography is inaccessible on the product;

5 (4) prohibit the product from accessing any hub that
6 facilitates prostitution; and

7 (5) render websites that are known to facilitate human
8 trafficking, in violation of the Criminal Code of 2012,
9 inaccessible.

10 Section 10. Deactivation of blocking capability.

11 (a) Any digital blocking capability may be deactivated
12 after a consumer:

13 (1) requests that the capability be disabled;

14 (2) presents identification to verify that the
15 consumer is 18 years of age or older;

16 (3) acknowledges receiving a written warning regarding
17 the potential danger of deactivating the digital blocking
18 capability; and

19 (4) pays a one-time \$20 digital access fee.

20 (b) A person who manufactures, sells, offers for sale,
21 leases, or distributes a product that makes content accessible
22 on the Internet may charge its own separate opt-in fee for each
23 product that enters this State's stream of commerce.

24 Section 15. Collection and distribution of fees.

1 (a) Each quarter, a person that receives a digital access
2 fee or an opt-in fee under Section 10 shall do both of the
3 following:

4 (1) Remit all fee proceeds to the Department of Revenue
5 in the manner prescribed by the Department of Revenue.

6 (2) File a report with the Department of Revenue
7 containing the information prescribed by the Department of
8 Revenue.

9 (b) The Department of Revenue shall deposit the funds
10 remitted under this Section as follows:

11 (1) 60% shall be deposited into the Crime Victims
12 Compensation Fund.

13 (2) 20% shall be deposited into an account to be used
14 by the Criminal Justice Information Authority to provide
15 grants to state agencies, units of local government, and
16 nongovernmental organizations to:

17 (A) Develop, expand, or strengthen programs for
18 victims of human trafficking and child exploitation.

19 The programs may include any of the following:

20 (i) Health and mental health services.

21 (ii) Temporary and permanent housing
22 placement.

23 (iii) Legal and immigration services.

24 (iv) Employment placement, education, and
25 training.

26 (B) Ensure prevention of human trafficking,

1 including increasing public awareness.

2 (C) Ensure protection of victims of human
3 trafficking, including training of first responders.

4 (3) The remaining funds shall be deposited in the
5 General Fund.

6 (c) Moneys received under this Section may be expended only
7 pursuant to appropriation.

8 Section 20. Blocking material other than obscene material.

9 (a) If the digital blocking capability blocks material that
10 is not obscene and the block is reported to a call center or
11 reporting website, the material shall be unblocked within a
12 reasonable time, but in no event later than 5 business days
13 after the block is first reported.

14 (b) A consumer may seek judicial relief to unblock filtered
15 content.

16 (c) If a person who manufactures, sells, offers for sale,
17 leases, or distributes a product that makes content accessible
18 on the Internet is unresponsive to a report of obscene material
19 that has breached the filter, the Attorney General or a
20 consumer may file a civil suit. The Attorney General or a
21 consumer may seek damages of up to \$500 for each piece of
22 content that was reported but not subsequently blocked. The
23 prevailing party in the civil action may seek attorney's fees.

24 Section 25. Violation; enforcement. A violation of this Act

1 constitutes an unlawful practice under the Consumer Fraud and
2 Deceptive Business Practices Act. All remedies, penalties, and
3 authority granted to the Attorney General by the Consumer Fraud
4 and Deceptive Business Practices Act shall be available to him
5 or her for the enforcement of this Act.

6 Section 90. The Consumer Fraud and Deceptive Business
7 Practices Act is amended by changing Section 2Z as follows:

8 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

9 Sec. 2Z. Violations of other Acts. Any person who knowingly
10 violates the Automotive Repair Act, the Automotive Collision
11 Repair Act, the Home Repair and Remodeling Act, the Dance
12 Studio Act, the Physical Fitness Services Act, the Hearing
13 Instrument Consumer Protection Act, the Illinois Union Label
14 Act, the Installment Sales Contract Act, the Job Referral and
15 Job Listing Services Consumer Protection Act, the Travel
16 Promotion Consumer Protection Act, the Credit Services
17 Organizations Act, the Automatic Telephone Dialers Act, the
18 Pay-Per-Call Services Consumer Protection Act, the Telephone
19 Solicitations Act, the Illinois Funeral or Burial Funds Act,
20 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and
21 Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales Act, the
22 High Risk Home Loan Act, the Human Trafficking and Child
23 Exploitation Act, the Payday Loan Reform Act, the Mortgage
24 Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the

1 Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the
2 Cigarette Use Tax Act, the Electronic Mail Act, the Internet
3 Caller Identification Act, paragraph (6) of subsection (k) of
4 Section 6-305 of the Illinois Vehicle Code, Section 11-1431,
5 18d-115, 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the
6 Illinois Vehicle Code, Article 3 of the Residential Real
7 Property Disclosure Act, the Automatic Contract Renewal Act,
8 the Reverse Mortgage Act, Section 25 of the Youth Mental Health
9 Protection Act, the Personal Information Protection Act, or the
10 Student Online Personal Protection Act commits an unlawful
11 practice within the meaning of this Act.

12 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,
13 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;
14 revised 10-6-17.)