

BILL SUMMARY

1st Session of the 59th Legislature

Bill No.:	HB 1050
Version:	Introduced
Request Number:	5732
Author:	Rep. Randleman
Date:	2/17/2023
Impact:	Please see previous summary of this measure

Research Analysis

HB 1050 creates the Human Trafficking and Child Exploitation Prevention Act, which requires retailers of Internet-enabled devices to make sure that before sale the product has a working filter that blocks websites known to facilitate human trafficking or prostitution and display material harmful to minors. A retailer of these devices must make reasonable ongoing efforts to make sure the filter works correctly, establish a reporting mechanism for consumers, report child pornography found through the reporting mechanism, and not block access to social media, search engines, and sites that provide access to rated movies.

A retailer of an Internet-enabled device may not provide a consumer with a way to deactivate the filter unless it is requested by the consumer, information is provided proving the consumer is 18 or older, the consumer acknowledges a warning about the potential dangers, and they pay a one-time deactivation fee which will be collected and remitted to the Oklahoma Tax Commission. The retailer may also charge a reasonable, separate fee for filter deactivation that the retailer can keep. The Attorney General will prepare and publish a form for retailers. Retailers are not required to maintain a database of consumers who deactivated their filter and must not disclose personal identification information of these adults.

If the filter blocks a website that does not need to be blocked and the block is reported, the website will be unblocked no later than five days after the initial report. A consumer may seek judicial relief for this process. If the retailer is not receptive to the report of a website not being caught by the filter, the Attorney General or the consumer may seek damages of up to \$500 per website that was reported but not blocked. Retailers that do not comply with this law have engaged in an abusive, unfair, and deceptive trade practice. It will be unlawful for a retailer to knowingly sell an Internet-enabled device without a filter, fail to comply with requirements, or disclose personal identification information to a third party. A retailer that commits one of these offenses will be guilty, upon conviction, of a misdemeanor. Subsequent offenses increase the potential sentence and fine.

These provisions can only be enforced by the Attorney General or a district attorney. The provisions of this act do not apply to an occasional sale of an Internet-enabled device by a person not regularly engaged in the business, products produced or sold before act's effective date, independent third-party routers, and a retailer not subject to Oklahoma jurisdiction. The measure creates the Oklahoma Human Trafficking and Child Exploitation Prevention Grant Fund to meet the state's evolving needs. The Attorney General or a designee will be responsible for evaluating activities under the act and submitting an annual report. The measure requires a \$5 admission fee be charged for each customer admitted to a live adult entertainment establishment, to be remitted to the Oklahoma Tax Commission. Records on this will be kept by each establishment and the fee will not be required to be imposed on customers of the establishment. The measure provides relevant definitions.

Prepared By: Suzie Nahach

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: House Fiscal Staff

Other Considerations

None.