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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3281

03/01/2018 Authored by Bennett, Runbeck, Heintzeman, Lohmer, Pugh and others
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to public safety; requiring blocking ability of obscene material on electronic
1.3 devices that connect to Internet; requiring a report; proposing coding for new law
1.4 in Minnesota Statutes, chapter 617.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 617.239 HUMAN TRAFFICKING AND CHILD EXPLOITATION
1.7 PREVENTION.

1.8 Subdivision 1. Internet digital blocking. (a) It is an unlawful practice under section
1.9 617.241 to manufacture, sell, offer for sale, lease, or distribute a product that makes content
1.10 accessible on the Internet:

1.11 (1) unless the product contains digital blocking capability that renders any obscene
1.12 material, as defined in section 617.241, subdivision 1, paragraphs (a) and (e), inaccessible;
1.13 and

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

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

1.18 (1) make reasonable and ongoing efforts to ensure that the digital content blocking
1.19 capability functions properly;

1.20 (2) establish a reporting mechanism, such as a Web site or call center, to allow a consumer
1.21 to report unblocked obscene material or report blocked material that is not obscene;

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

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

2.4 (5) render Web sites that are known to facilitate human trafficking, in violation of section
2.5 609.322 or 609.324, inaccessible.

2.6 Subd. 2. **Deactivation.** (a) A digital blocking capability may be deactivated after a
2.7 consumer:

2.8 (1) requests that the capability be disabled;

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

2.10 (3) acknowledges receiving a written warning regarding the potential danger of
2.11 deactivating the digital blocking capability; and

2.12 (4) pays a onetime \$20 digital access fee to the person who manufactures, sells, leases,
2.13 or distributes the product.

2.14 (b) A person who manufactures, sells, offers for sale, leases, or distributes a product that
2.15 makes content accessible on the Internet may charge a separate opt-in fee for each product
2.16 that enters the state's stream of commerce.

2.17 (c) If the digital blocking capability blocks material that is not obscene and the block is
2.18 reported to a call center or reporting Web site, the material shall be unblocked within a
2.19 reasonable time, but in no event later than five business days after the block is first reported.

2.20 (d) A consumer may seek judicial relief to unblock filtered content.

2.21 Subd. 3. **Distribution of fees; report.** (a) All fees received by a person under subdivision
2.22 2 shall be paid quarterly to the commissioner of public safety in the manner prescribed by
2.23 the commissioner. The commissioner of public safety shall deposit the fees received under
2.24 this subdivision as follows:

2.25 (1) 40 percent in the crime victims account under section 611A.612; and

2.26 (2) 60 percent in a special account to be used by the commissioner of public safety to
2.27 provide grants to state agencies, units of local government, and nongovernmental
2.28 organizations that serve victims of human trafficking to:

2.29 (i) develop, expand, or strengthen programs for victims of human trafficking and child
2.30 exploitation that may include any of the following:

2.31 (A) physical health and mental health services;

3.1 (B) temporary and permanent housing placement;

3.2 (C) legal and immigration services; and

3.3 (D) employment placement, education, and training;

3.4 (ii) ensure prevention of human trafficking including, at a minimum, increasing public
3.5 awareness; and

3.6 (iii) ensure protection of victims of human trafficking including, at a minimum, training
3.7 first responders.

3.8 (b) By February 15 of each year, the commissioner of public safety shall report to the
3.9 chairs and ranking minority members of the senate and house of representatives committees
3.10 or divisions having jurisdiction over criminal justice funding on the fees collected under
3.11 subdivision 2. The report must indicate the following relating to the preceding calendar
3.12 year:

3.13 (1) the amount of money appropriated to the commissioner;

3.14 (2) how the money was distributed by the commissioner; and

3.15 (3) how the organizations under paragraph (a) used the money.

3.16 Subd. 4. **Civil action.** If a person who manufactures, sells, offers for sale, leases, or
3.17 distributes a product that makes content accessible on the Internet is unresponsive to a report
3.18 of obscene material that has breached the filter, the attorney general or a consumer may file
3.19 a civil action. The attorney general or a consumer may seek damages of up to \$500 for each
3.20 piece of content that was reported but not subsequently blocked. The prevailing party in the
3.21 civil action may seek attorney fees.

3.22 Subd. 5. **Citation.** This section shall be known and may be cited as the "Human
3.23 Trafficking and Child Exploitation Prevention Act."

3.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.