

FIRST REGULAR SESSION

SENATE BILL NO. 382

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time February 13, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1696S.04I

AN ACT

To amend chapter 407, RSMo, by adding thereto one new section relating to obscene websites, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 407, RSMo, is amended by adding thereto one new section, to be known as section 407.1600, to read as follows:

407.1600. 1. This section shall be known and may be cited as the "Safer Internet for Children Act".

2. For the purposes of this section, the following terms shall mean:

(1) "Internet service provider", a business or a person engaged in the business of providing access to the internet with the intent of making a profit;

(2) "Obscene", material or internet content which is or contains child pornography, explicit sexual material, nudity or state of nudity, sadomasochistic abuse, semi-nude or state of semi-nudity depictions, sexual conduct, sexually explicit conduct, or sexual performance as those terms are defined in section 573.010. "Obscene" shall also have the same meaning as used in section 573.010;

(3) "Subscriber", a person who has entered into an agreement with an internet service provider to gain access to the internet.

3. An internet service provider, when entering into an agreement for internet service with a person or entity residing within Missouri, shall provide a means to block access to obscene websites produced in such a manner either solely or principally.

4. An internet service provider shall redirect a blocked website to a web page that:

22 (1) Notifies the subscriber that the website has been blocked
23 pursuant to this section; and

24 (2) Provides the subscriber the ability to enter a password in
25 order for a subscriber to gain access to the blocked website.

26 5. An internet service provider shall allow a subscriber to gain
27 access to a blocked website only by the use of a password.

28 (1) An internet service provider shall provide subscribers
29 eighteen years of age or older a mechanism to create an eight-digit
30 password containing a series of letters, numbers, and special characters
31 for the purpose of allowing the subscriber to access blocked websites.

32 (2) Any information collected from the use of a password shall be
33 used only for the implementation of this section.

34 6. The password shall be required at each attempt to access a
35 blocked website, and an internet service provider shall not provide a
36 mechanism for the password to be remembered. The password shall be
37 changed every three months.

38 7. An internet service provider shall provide to their subscribers
39 who are eighteen years of age or older, either in writing or
40 electronically, information about this section and how to create a
41 password. Such communication shall be done upon the effective date
42 of this section or when a person enters into an agreement with the
43 internet service provider for internet service. Information shall
44 include, but is not limited to, a brief description of the law requiring
45 a password to access blocked content, the procedure for creating,
46 recovering, and updating the password requiring multi-factor
47 authentication for the account holder, and the penalty for individuals
48 who share the password with minors under the age of eighteen which
49 results in the exposure of minors to pornographic material pursuant to
50 section 573.040.

51 8. An internet service provider shall provide a website, call
52 center, or similar means of communication for a person to report a
53 blocked website he or she believes should be accessible, and a website
54 that he or she believes to be obscene that is not blocked pursuant to the
55 provisions of subsection 3 of this section. An internet service provider
56 shall create a method of evaluation to determine if a website is obscene
57 and produced in such a way either solely or principally, or not. An
58 internet service provider shall notify the reporting person indicating

59 if the website was deemed accessible or not with details explaining the
60 determination within a reasonable amount of time, not to exceed ten
61 days after receiving the report. The website deemed accessible shall be
62 made immediately accessible to all persons within the state network of
63 the internet service provider. The website deemed not accessible shall
64 be blocked in accordance with subsection 3 of this section to all
65 persons within the state network of the internet service provider.

66 9. The attorney general's office shall also provide a website, call
67 center, or similar method of communication for a person, in dispute of
68 the determination made in subsection 8 of this section, to report a
69 blocked website that he or she believes should be accessible, and a
70 website that he or she believes to be obscene and is not blocked
71 pursuant to subsection 3 of this section. The attorney general's office
72 shall create a method of evaluation to determine if a website is obscene
73 and produced in such a way either solely or principally, or not. The
74 attorney general's office shall notify the reporting person indicating if
75 the website was deemed accessible or not with details explaining the
76 decision in a reasonable amount of time, not to exceed ten days after
77 receiving the report. The attorney general's office shall immediately
78 notify the internet service provider with a copy of each such decision.

79 10. An internet service provider is not liable for any penalty in
80 this section if the provider makes a good faith effort to apply a
81 generally accepted and commercially reasonable method of compliance
82 in accordance with subsection 3 of this section and that such method
83 or technology has the ability to discover and block new obscene
84 websites and fulfills the requirements of this section.

85 11. A subscriber that provides a minor with his or her password
86 in order to access a blocked website shall be guilty of a class A
87 misdemeanor.

88 12. An internet service provider that purposely fails to block
89 known obscene content or is made aware of previously unblocked
90 obscene content and fails to block such content within five days of
91 being made aware of the content shall be guilty of a class A
92 misdemeanor.