

1st Sub. S.B. 104
CHILDREN'S DEVICE PROTECTION ACT

Senator **Todd D. Weiler** proposes the following amendments:

1. *Page 3, Lines 64 through 70:*

64 (1) (a) An **adult** individual, other than the parent or legal guardian of the minor in possession
65 of a device, who disables the filter required under Section 78B-6-2602 on a device in
66 possession of a minor **for the purpose of disseminating pornography to the minor,** commits a class A
misdemeanor.
67 (b) For each offense, the violator is subject to fines up to \$5,000.
68 (2) Any person who has a prior conviction under this section, is guilty of a felony of
69 the third degree and shall, for each separate offense, be fined ~~{up to}~~ **an amount not to exceed**
\$50,000 and may be
70 imprisoned for ~~{up to one year}~~ **zero to five years** .

2. *Page 4, Lines 91 through 93:*

91 deactivate, modify, or uninstall a filter on a device. =
(9) (a) "Retailer" means a person, that is not a manufacturer, that sells a device directly to consumers.
(b) "Retailer" includes an employee of a retailer acting in the course and scope of the employee's employment.
92 ~~{(9)}~~ **(10)** "Smart phone" means the same as that term is defined in Section 63A-2-101.5.
93 ~~{(10)}~~ **(11)** "Tablet" means a mobile device that:

3. *Page 5, Line 119:*

119 accordance with this section. =
(3) Nothing in this part creates a cause of action against a retailer of a device.