

HOUSE BILL NO. 2422

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NEELY.

6320H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 589, RSMo, by adding thereto eight new sections relating to the human trafficking and child exploitation prevention act, with penalty provisions.

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

Section A. Chapter 589, RSMo, is amended by adding thereto eight new sections, to be
2 known as sections 589.1000, 589.1002, 589.1004, 589.1006, 589.1008, 589.1010, 589.1012, and
3 589.1014, to read as follows:

589.1000. Sections 589.1000 to 589.1014 shall be known and may be cited as the
2 **"Human Trafficking and Child Exploitation Prevention Act".**

589.1002. As used in sections 589.1000 to 589.1014, the following terms shall mean:

2 (1) **"Blocking software", software that prevents a device from accessing obscene**
3 **material on the internet;**

4 (2) **"Distributor", a person who manufactures, sells, offers for sale, leases, or**
5 **distributes a product in this state that makes content accessible on the internet;**

6 (3) **"Obscene material", content:**

7 (a) **That the average individual applying contemporary community standards**
8 **would find, when considered or taken as a whole, appeals to the prurient interests;**

9 (b) **Depicting or describing sexual conduct in a patently offensive way by audio or**
10 **visual representations of sexual acts, normal or perverted, actual or simulated;**
11 **masturbation, excretory functions or exhibitions of a specified anatomical area of oneself**
12 **or another; or tactile stimulation of the covered or uncovered genitals of oneself or**
13 **another; and**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (c) That, when considered or taken as a whole, lacks serious literary, artistic,
15 political, or scientific value;

16 (4) "Person", an individual or a corporation, business enterprise, or other legal
17 entity;

18 (5) "Personal identification information", information that identifies an individual,
19 including an individual's photograph, social security number, driver identification
20 number, name, email address, home address, or telephone number;

21 (6) "Revenge pornography", an image of a person engaged in a specified sexual
22 activity or that displays a specified anatomical area if the image contains or conveys the
23 personal identification information of the depicted person to an internet website without
24 the depicted person's consent;

25 (7) "Specified anatomical area":

26 (a) Less than completely and opaquely covered human genitals, pubic region,
27 buttock, or female breast below a point immediately above the top of the areola; or

28 (b) Human male genitals in a discernibly turgid state, whether covered or
29 uncovered.

589.1004. 1. A distributor shall not manufacture, sell, offer for sale, lease, or
2 distribute a product in this state that makes content accessible on the internet unless the
3 product:

4 (1) Contains active and properly operating blocking software that renders obscene
5 material inaccessible;

6 (2) Prohibits access to content that is prohibited under 18 U.S.C. Section 2251;

7 (3) Prohibits access to revenge pornography;

8 (4) Prohibits access to a website that facilitates prostitution; and

9 (5) Prohibits access to a website that facilitates human trafficking.

10 2. A distributor shall:

11 (1) Make reasonable and ongoing efforts to ensure that the blocking software
12 functions properly; and

13 (2) Establish a reporting mechanism, such as a website or call center, to allow a
14 person to report unblocked obscene material or report blocked material that is not obscene
15 material.

589.1006. 1. The attorney general or a prosecuting attorney may seek injunctive
2 relief against a distributor that allows access to content or a website in violation of sections
3 589.1000 to 589.1014.

4 2. A distributor that knowingly violates the provisions of section 589.1004 is guilty
5 of a misdemeanor and upon conviction shall be punished by imprisonment of less than one

6 year, or by a fine of not more than five hundred dollars for each prohibited image, video,
7 or audio depiction or website accessible in violation of sections 589.1000 to 589.1014, or
8 both.

2 **589.1008. A distributor shall deactivate blocking software in a product if the person
who purchased or leased the product:**

3 (1) Specifically requests that the distributor deactivate the blocking software;

4 (2) Presents identification that proves that the person is eighteen years of age or
5 older;

6 (3) Acknowledges the receipt of a written warning from the distributor that
7 deactivating the blocking software will prevent the blocking of obscene material; and

8 (4) Pays to the distributor a twenty-dollar one-time deactivation fee; provided that,
9 nothing in sections 589.1000 to 589.1014 shall prohibit a distributor from imposing an
10 additional charge to deactivate the blocking software.

2 **589.1010. 1. If the blocking software blocks content that is not obscene and the
block is reported to a distributor's call center or reporting website, the content shall be
3 unblocked no later than five days after the block is reported.**

4 **2. Any person may seek judicial relief to unblock filtered content. The prevailing
5 party in the civil action may seek attorney's fees and costs.**

2 **589.1012. 1. There is hereby created in the state treasury the "Human Trafficking
and Child Exploitation Prevention Fund", which shall consist of moneys collected under
3 sections 589.1000 to 589.1014, appropriations, gifts, grants, donations, and bequests. The
4 state treasurer shall be custodian of the fund. In accordance with sections 30.170 and
5 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund
6 and, upon appropriation, moneys in the fund shall be used solely for the administration of
7 sections 589.1000 to 589.1014.**

8 **2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
9 remaining in the fund at the end of the biennium shall not revert to the credit of the
10 general revenue fund.**

11 **3. The state treasurer shall invest moneys in the fund in the same manner as other
12 funds are invested. Any interest and moneys earned on such investments shall be credited
13 to the fund.**

2 **589.1014. 1. If a distributor that is subject to sections 589.1000 to 589.1014 fails to
block obscene material or block access to a prohibited website within five days after
3 receiving a report that obscene material has breached blocking software or that a
4 prohibited website is accessible through a product manufactured, sold, leased, or
5 distributed by the distributor, the attorney general or any person may file a civil suit.**

6 **2. The attorney general or the person who files the civil suit may seek damages of**
7 **up to five hundred dollars for each image, video, or audio depiction of obscene material,**
8 **or each accessible website, that was reported but not blocked within five days. The**
9 **prevailing party in the civil action may seek attorney fees and costs.**

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