

HOUSE BILL NO. HB0127

Online obscenity prevention.

Sponsored by: Representative(s) Lone, Edwards and Jennings

A BILL

for

1 AN ACT relating to public health and safety; requiring
 2 internet enabled devices manufactured, sold or distributed
 3 in Wyoming to contain software that blocks obscene internet
 4 websites; providing exceptions; providing for judicial
 5 relief; requiring the attorney general to develop a written
 6 document as specified; amending the crime of promoting
 7 obscenity as specified; and providing for effective dates.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 35-31-101 and 35-31-102 are created
 12 to read:

13

14

CHAPTER 31

15

ONLINE OBSCENITY PREVENTION

16

1 **35-31-101. Definitions.**

2

3 (a) As used in this chapter:

4

5 (i) "Blocking software" means software that
6 prevents an internet enabled device from accessing obscene
7 internet websites;

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9 (ii) "Internet enabled device" means a device
10 that allows a user to access the internet and view or
11 download content from the internet;

12

13 (iii) "Obscene internet websites" means any
14 internet website that:

15

16 (A) Contains obscene material as defined in
17 W.S. 6-4-301(a)(iii);

18

19 (B) Contains or facilitates child
20 pornography as defined in W.S. 6-4-303(a)(ii);

21

22 (C) Facilitates prostitution prohibited
23 under W.S. 6-4-101;

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2

(D) Facilitates human trafficking prohibited under W.S. 6-2-702 or 6-2-703;

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(E) Facilitates sexual servitude prohibited under W.S. 6-2-705 or 6-2-706.

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35-31-102. Blocking software; requirements; deactivation; exceptions.

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(a) A person shall not manufacture, sell or distribute an internet enabled device in this state unless the device contains active blocking software.

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(b) Any person who manufactures, sells or distributes an internet enabled device in this state with active blocking software shall make reasonable and ongoing efforts to ensure that:

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(i) The blocking software is updated and continues to function effectively;

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1 (ii) The source code and any other information
2 that could allow a person to bypass the blocking software
3 is kept confidential;

4
5 (iii) The blocking software prohibits access to
6 obscene internet websites.

7
8 (c) Any person who manufactures, sells or distributes
9 an internet enabled device shall not disable the blocking
10 software unless all of the following apply:

11
12 (i) The consumer requests in writing that the
13 blocking software be disabled;

14
15 (ii) The manufacturer, seller or distributor
16 verifies that the consumer is at least eighteen (18) years
17 of age or the consumer is an emancipated minor who has
18 become emancipated as provided in W.S. 14-1-201 through
19 14-1-206;

20
21 (iii) The consumer receives and acknowledges in
22 writing the receipt of a written document, which shall be
23 developed by the attorney general, describing the potential

1 dangers of the content that may be accessible as a result
2 of deactivating the blocking software.

3

4 (d) Any person who manufactures, sells or distributes
5 an internet enabled device in this state with active
6 blocking software shall provide for a reporting mechanism,
7 such as a website or call center, to allow a consumer to
8 report unblocked obscene internet websites or to report
9 blocked websites that are not obscene internet websites.
10 If the person is unresponsive to a report, the attorney
11 general or a consumer may petition a court of competent
12 jurisdiction for an order to require the manufacturer,
13 seller or distributor to:

14

15 (i) Make reasonable efforts to ensure the
16 blocking software prohibits access to the identified
17 obscene internet websites; or

18

19 (ii) Make reasonable efforts to ensure the
20 blocking software allows access to the websites that are
21 not obscene internet websites.

22

1 (e) This chapter shall not apply to any of the
2 following:

3
4 (i) An occasional sale of an internet enabled
5 device by a person that is not regularly engaged in the
6 trade or business of selling internet enabled devices;

7
8 (ii) The sale, manufacture or distribution of an
9 internet enabled device manufactured before July 1, 2019.

10
11 (f) Nothing in this chapter shall be construed to
12 prohibit any person who manufactures, sells or distributes
13 an internet enabled device containing active blocking
14 software from charging a reasonable fee to defray the
15 associated costs of the blocking software.

16
17 **Section 2.** W.S. 6-4-302(a)(ii), (iii) and by creating
18 a new paragraph (iv) is amended to read:

19
20 **6-4-302. Promoting obscenity; penalties.**

21
22 (a) A person commits the crime of promoting obscenity
23 if he:

1

2 (ii) Possesses obscene material with the intent
3 of disseminating it; ~~or~~

4

5 (iii) Knowingly disseminates obscene material; ~~or~~

6 or

7

8 (iv) Manufactures, sells or distributes an
9 internet enabled device in this state that does not contain
10 blocking software in violation of W.S. 35-31-102.

11

12 **Section 3.** The attorney general shall develop a
13 written document describing the potential dangers of the
14 content that may be accessible on an internet enabled
15 device as a result of deactivating the blocking software on
16 or before July 1, 2019.

17

18 **Section 4.**

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20 (a) Except as provided in subsection (b) of this
21 section, this act is effective July 1, 2019.

22

1 (b) Section 3 of this act is effective immediately
2 upon completion of all acts necessary for a bill to become
3 law as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

5

6

(END)