

REFERENCE TITLE: **obscenity; human trafficking; prostitution; prevention**

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1467

Introduced by
Senators Dalessandro: Bradley, Gonzales, Otondo, Steele

AN ACT

**AMENDING TITLE 41, CHAPTER 1, ARTICLE 5, ARIZONA REVISED STATUTES, BY
ADDING SECTION 41-191.12; AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY
ADDING CHAPTER 38; RELATING TO HUMAN TRAFFICKING.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 41, chapter 1, article 5, Arizona Revised
3 Statutes, is amended by adding section 41-191.12, to read:

4 41-191.12. Human trafficking and child exploitation
5 prevention grant fund; report

6 A. THE HUMAN TRAFFICKING AND CHILD EXPLOITATION PREVENTION GRANT
7 FUND IS ESTABLISHED CONSISTING OF MONIES RECEIVED PURSUANT TO TITLE 44,
8 CHAPTER 38 AND MONIES AVAILABLE TO THE FUND FROM ANY OTHER SOURCE. THE
9 ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE SHALL ADMINISTER THE
10 FUND AND MAY ACCEPT PRIVATE GRANTS, GIFTS, CONTRIBUTIONS AND DEVICES TO BE
11 USED FOR THE PURPOSES OF THIS SECTION. MONIES IN THE FUND ARE
12 CONTINUOUSLY APPROPRIATED.

13 B. THE MONIES IN THE FUND SHALL BE USED FOR THE FOLLOWING PURPOSES,
14 WHICH MAY BE CONSTRUED BROADLY TO MEET THE EVOLVING NEEDS OF THIS STATE:

15 1. TO PROMOTE THE DEVELOPMENT THROUGHOUT THIS STATE OF LOCALLY
16 BASED AND SUPPORTED NONPROFIT PROGRAMS FOR THE SURVIVORS OF SEXUAL-RELATED
17 OFFENSES AND TO SUPPORT THE QUALITY OF SERVICES PROVIDED.

18 2. TO EMPOWER ANY GOVERNMENT AND, ESPECIALLY, NONGOVERNMENT GROUPS
19 WORKING TO UPHOLD COMMUNITY STANDARDS OF DECENCY, TO PROTECT CHILDREN, TO
20 STRENGTHEN FAMILIES OR TO DEVELOP, EXPAND, PREVENT OR OFFSET THE COSTS OF
21 SEXUAL-RELATED OFFENSES.

22 3. TO MAXIMIZE HUMAN FLOURISHING AND TO PROTECT THE PUBLIC'S
23 SAFETY, HEALTH AND WELFARE AND NOT TO PROMOTE A CULTURE OF PERPETUAL
24 VICTIMHOOD.

25 C. THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE SHALL
26 USE THE MONIES IN THE HUMAN TRAFFICKING AND CHILD EXPLOITATION PREVENTION
27 GRANT FUND ONLY TO AWARD GRANTS TO GOVERNMENT AND NONGOVERNMENT GROUPS AND
28 INDIVIDUALS THAT ARE WORKING TO UPHOLD COMMUNITY STANDARDS OF DECENCY, TO
29 PROTECT CHILDREN, TO STRENGTHEN FAMILIES OR TO DEVELOP, EXPAND OR
30 STRENGTHEN PROGRAMS FOR VICTIMS OF HUMAN TRAFFICKING OR CHILD
31 EXPLOITATION, INCLUDING PROVIDING GRANTS FOR:

32 1. THE NEEDS OF THE ARIZONA HUMAN TRAFFICKING COUNCIL, THE HUMAN
33 EXPLOITATION AND TRAFFICKING UNIT, CHILD WELFARE PROJECT COORDINATOR AND
34 HUMAN TRAFFICKING PROJECT COORDINATOR.

35 2. THE NEEDS OF THE DEPARTMENT OF CHILD SAFETY AND OTHER SIMILAR
36 DEPARTMENTS.

37 3. THE NEEDS OF VICTIM COMPENSATION.

38 4. SERVICES TO HELP WOMEN WITH SUBSTANCE ABUSE PROBLEMS STAY SOBER.

39 5. COUNSELORS AND VICTIM ADVOCATES WHO ARE TRAINED TO ASSIST
40 VICTIMS OF DOMESTIC VIOLENCE AND SEXUAL ABUSE.

41 6. SHELTERS FOR WOMEN, PARTICULARLY THOSE WHO HAVE BEEN EXPOSED TO
42 PROSTITUTION OR SEX TRAFFICKING.

43 7. RESEARCH-BASED ORGANIZATIONS.

- 1 8. FAITH-BASED ORGANIZATIONS THAT WORK TO UPHOLD COMMUNITY
- 2 STANDARDS OF DECENCY AND ASSIST VICTIMS OF HUMAN TRAFFICKING OR OTHER
- 3 SEXUAL-RELATED OFFENSES.
- 4 9. CHILD ADVOCACY CENTERS.
- 5 10. ORGANIZATIONS THAT PROVIDE LEGAL ADVOCACY TO ABUSED, NEGLECTED
- 6 AND AT-RISK CHILDREN.
- 7 11. PHYSICAL AND MENTAL HEALTH SERVICES.
- 8 12. TEMPORARY AND PERMANENT HOUSING PLACEMENT.
- 9 13. EMPLOYMENT, PLACEMENT, EDUCATION AND TRAINING.
- 10 14. INDEPENDENT SCHOOL DISTRICTS.
- 11 15. FAMILY COUNSELING AND THERAPY.
- 12 16. LAW ENFORCEMENT.
- 13 17. MUSICAL, WRITING, DESIGN, CINEMATIC OR PICTORIAL CREATIVE ART
- 14 PROJECTS THAT PROMOTE DECENCY.
- 15 18. REGIONAL NONPROFIT PROVIDERS OF CIVIL LEGAL SERVICES TO PROVIDE
- 16 LEGAL ASSISTANCE FOR SEXUAL ASSAULT VICTIMS.
- 17 19. TECHNOLOGY IN RAPE CRISIS CENTERS.
- 18 20. SEXUAL VIOLENCE AWARENESS AND PREVENTION CAMPAIGNS.
- 19 21. SCHOLARSHIPS FOR STUDENTS DEMONSTRATING OUTSTANDING CHARACTER
- 20 OR LEADERSHIP SKILLS.
- 21 22. EITHER CONDUCTING HUMAN TRAFFICKING ENFORCEMENT PROGRAMS OR
- 22 UPHOLDING COMMUNITY STANDARDS OF DECENCY.
- 23 D. NOTWITHSTANDING ANY OTHER LAW, INTEREST ACCRUING ON INVESTMENTS
- 24 OF THE FUND SHALL BE CREDITED TO THE FUND. MONIES IN THE FUND ARE EXEMPT
- 25 FROM THE PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF
- 26 APPROPRIATIONS.
- 27 E. THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE MAY BY
- 28 RULE:
- 29 1. DETERMINE ELIGIBILITY REQUIREMENTS FOR ANY GRANT AWARDED UNDER
- 30 THIS SECTION.
- 31 2. REQUIRE A GRANT RECIPIENT TO OFFER MINIMUM SERVICES FOR A PERIOD
- 32 OF TIME BEFORE RECEIVING A GRANT AND TO CONTINUE TO OFFER MINIMUM SERVICES
- 33 DURING THE GRANT PERIOD.
- 34 3. REQUIRE A GRANT RECIPIENT TO SUBMIT FINANCIAL AND PROGRAMMATIC
- 35 REPORTS.
- 36 F. THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE MAY NOT
- 37 SPEND MORE THAN TEN PERCENT OF THE AVAILABLE MONIES ON THE ADMINISTRATION
- 38 OF THE FUND.
- 39 G. THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE SHALL
- 40 EVALUATE ACTIVITIES CONDUCTED UNDER THIS SECTION EACH YEAR AND, ON OR
- 41 BEFORE FEBRUARY 15, SUBMIT AN ANNUAL REPORT CONTAINING THE EVALUATION TO
- 42 THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
- 43 REPRESENTATIVES AND PROVIDE A COPY OF THIS REPORT TO THE SECRETARY OF
- 44 STATE. THE REPORT MUST INCLUDE:

1 1. THE AMOUNT OF FILTER DEACTIVATION FEES RECEIVED UNDER SECTION
2 44-7922.

3 2. THE AMOUNT OF ADMISSION FEES RECEIVED UNDER SECTION 44-7926,
4 SUBSECTION A.

5 3. THE MANNER IN WHICH THE MONIES IN THE FUND ARE DISTRIBUTED.

6 4. THE MANNER IN WHICH EACH ENTITY RECEIVING A GRANT UNDER THIS
7 SECTION USED THE GRANT MONIES.

8 Sec. 2. Title 44, Arizona Revised Statutes, is amended by adding
9 chapter 38, to read:

10 CHAPTER 38

11 HUMAN TRAFFICKING

12 ARTICLE 1. GENERAL PROVISIONS

13 44-7921. Definitions

14 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

15 1. "ADULT" HAS THE SAME MEANING PRESCRIBED IN SECTION 8-101.

16 2. "ADULT LIVE ENTERTAINMENT ESTABLISHMENT" HAS THE SAME MEANING
17 PRESCRIBED IN SECTION 11-811.

18 3. "CELLULAR TELEPHONE" MEANS A COMMUNICATION DEVICE CONTAINING A
19 UNIQUE ELECTRONIC SERIAL NUMBER THAT IS PROGRAMMED INTO ITS COMPUTER CHIP
20 BY ITS MANUFACTURER AND WHOSE OPERATION IS DEPENDENT ON THE TRANSMISSION
21 OF THAT ELECTRONIC SERIAL NUMBER AND MOBILE IDENTIFICATION NUMBER THAT IS
22 ASSIGNED BY THE CELLULAR TELEPHONE CARRIER, IN THE FORM OF RADIO SIGNALS
23 THROUGH CELL SITES AND MOBILE SWITCHING STATIONS.

24 4. "CHILD PORNOGRAPHY" HAS THE SAME MEANING PRESCRIBED IN 18 UNITED
25 STATES CODE SECTION 2256.

26 5. "COMPUTER" HAS THE SAME MEANING PRESCRIBED IN 18 UNITED STATES
27 CODE SECTION 1030.

28 6. "DATA COMMUNICATIONS DEVICE" MEANS AN ELECTRONIC DEVICE THAT
29 RECEIVES ELECTRONIC INFORMATION FROM ONE SOURCE AND THAT TRANSMITS OR
30 ROUTES IT TO ANOTHER, INCLUDING ANY BRIDGE, ROUTER, SWITCH OR GATEWAY.

31 7. "FILTER" MEANS BOTH:

32 (a) A DIGITAL BLOCKING CAPABILITY, HARDWARE OR SOFTWARE THAT
33 RESTRICTS OR BLOCKS INTERNET ACCESS TO WEBSITES, EMAIL, CHAT OR OTHER
34 INTERNET-BASED COMMUNICATIONS BASED ON CATEGORY, SITE OR CONTENT.

35 (b) A DIGITAL BLINDER RACK THAT CAN BE DEACTIVATED BY A RETAILER ON
36 THE SATISFACTION OF CERTAIN NOMINAL CONDITIONS.

37 8. "HARMFUL TO MINORS" HAS THE SAME MEANING PRESCRIBED IN SECTION
38 13-3501.

39 9. "HUMAN TRAFFICKING" MEANS SEX TRAFFICKING.

40 10. "INTERNET" HAS THE SAME MEANING PRESCRIBED IN 31 UNITED STATES
41 CODE SECTION 5362.

42 11. "INTERNET-ENABLED DEVICE" MEANS A CELLULAR TELEPHONE, COMPUTER,
43 DATA COMMUNICATIONS DEVICE OR OTHER PRODUCT THAT IS MANUFACTURED,
44 DISTRIBUTED OR SOLD IN THIS STATE AND THAT PROVIDES INTERNET ACCESS OR
45 PLAYS A MATERIAL ROLE IN DISTRIBUTING CONTENT ON THE INTERNET.

- 1 12. "INTERNET SERVICE PROVIDER":
2 (a) MEANS A PERSON ENGAGED IN THE BUSINESS OF PROVIDING A COMPUTER
3 AND COMMUNICATIONS FACILITY THROUGH WHICH A CONSUMER MAY OBTAIN ACCESS TO
4 THE INTERNET.
5 (b) DOES NOT INCLUDE A COMMON CARRIER IF IT PROVIDES ONLY
6 TELECOMMUNICATIONS SERVICE.
7 13. "MINOR" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OF AGE.
8 14. "OBSCENE MATERIAL":
9 (a) MEANS CONTENT THAT:
10 (i) THE AVERAGE INDIVIDUAL APPLYING CONTEMPORARY COMMUNITY
11 STANDARDS, WHEN CONSIDERED OR TAKEN AS A WHOLE, WOULD FIND APPEALS TO THE
12 PRURIENT INTEREST.
13 (ii) DEPICTS OR DESCRIBES SEXUAL ACTIVITY IN A PATENTLY OFFENSIVE
14 WAY BY AUDIO OR VISUAL REPRESENTATIONS.
15 (iii) WHEN CONSIDERED OR TAKEN AS A WHOLE, LACKS SERIOUS LITERARY,
16 ARTISTIC, POLITICAL OR SCIENTIFIC VALUE.
17 (b) INCLUDES WEBSITES THAT BOTH:
18 (i) ARE KNOWN TO FACILITATE HUMAN TRAFFICKING OR PROSTITUTION.
19 (ii) DISPLAY OR DEPICT IMAGES THAT ARE HARMFUL TO MINORS OR THAT
20 CONSTITUTE SEXUAL ACTIVITY, SEXUAL INTERCOURSE, SADOMASOCHISTIC ABUSE,
21 SEXUAL CONDUCT OR REVENGE PORNOGRAPHY.
22 15. "PERSONAL IDENTIFICATION INFORMATION" MEANS ANY INFORMATION
23 THAT IDENTIFIES A PERSON, INCLUDING AN INDIVIDUAL'S PHOTOGRAPH, SOCIAL
24 SECURITY NUMBER, DRIVER LICENSE NUMBER, NAME, EMAIL ADDRESS, ADDRESS OR
25 TELEPHONE NUMBER.
26 16. "POLITICAL SPEECH":
27 (a) MEANS SPEECH RELATING TO THE STATE, GOVERNMENT OR PUBLIC
28 ADMINISTRATION AS IT RELATES TO GOVERNMENTAL POLICY MAKING.
29 (b) INCLUDES SPEECH BY THE GOVERNMENT OR CANDIDATES FOR OFFICE AND
30 ANY DISCUSSION OF SOCIAL ISSUES.
31 17. "PROSTITUTION" HAS THE SAME MEANING PRESCRIBED IN SECTION
32 13-3211.
33 18. "RELIGIOUS SPEECH" MEANS A SET OF UNPROVEN ANSWERS, TRUTH
34 CLAIMS, FAITH-BASED ASSUMPTIONS AND ASSERTIONS THAT ATTEMPT TO EXPLAIN
35 GREATER QUESTIONS AS HOW THE WORLD WAS CREATED, WHAT CONSTITUTES RIGHT AND
36 WRONG ACTIONS BY HUMANS AND WHAT HAPPENS AFTER DEATH.
37 19. "RETAILER":
38 (a) MEANS ANY PERSON WHO REGULARLY ENGAGES IN MANUFACTURING,
39 SELLING, OFFERING FOR SALE OR LEASING INTERNET-ENABLED DEVICES OR SERVICES
40 IN THIS STATE THAT MAKE CONTENT ACCESSIBLE ON THE INTERNET.
41 (b) INCLUDES INTERNET SERVICE PROVIDERS AND SUPPLIERS AND
42 MANUFACTURERS OF INTERNET-ENABLED DEVICES THAT MATERIALLY PLAY A ROLE IN
43 DISTRIBUTING CONTENT ON THE INTERNET OR THAT MAKE CONTENT ACCESSIBLE AND
44 THAT ARE SUBJECT TO THE JURISDICTION OF THIS STATE.

1 20. "REVENGE PORNOGRAPHY" MEANS AN IMAGE THAT DISPLAYS AN
2 INDIVIDUAL WHO IS ENGAGED IN SEXUAL ACTIVITY OR A SPECIFIED ANATOMICAL
3 AREA IF THE IMAGE CONTAINS OR CONVEYS THE PERSONAL IDENTIFICATION
4 INFORMATION OF THE DEPICTED INDIVIDUAL TO AN INTERNET WEBSITE WITHOUT THE
5 DEPICTED INDIVIDUAL'S CONSENT.

6 21. "SADOMASOCHISTIC ABUSE" HAS THE SAME MEANING PRESCRIBED IN
7 SECTION 13-3211.

8 22. "SEX TRAFFICKING" MEANS CONDUCT THAT CONSTITUTES AN OFFENSE
9 UNDER SECTION 13-1307.

10 23. "SEXUAL ACTIVITY" HAS THE SAME MEANING PRESCRIBED IN SECTION
11 13-3501.

12 24. "SEXUAL CONDUCT" HAS THE SAME MEANING PRESCRIBED IN SECTION
13 13-3211.

14 25. "SEXUAL INTERCOURSE" HAS THE SAME MEANING PRESCRIBED IN SECTION
15 13-3211.

16 26. "SOCIAL MEDIA WEBSITE" MEANS AN INTERNET WEBSITE OR APPLICATION
17 THAT ENABLES USERS TO COMMUNICATE WITH EACH OTHER BY POSTING INFORMATION,
18 COMMENTS, MESSAGES OR IMAGES AND THAT MEETS ALL OF THE FOLLOWING
19 REQUIREMENTS:

20 (a) IS OPEN TO THE PUBLIC.

21 (b) HAS MORE THAN SEVENTY-FIVE MILLION SUBSCRIBERS.

22 (c) FROM ITS INCEPTION, HAS NOT BEEN SPECIFICALLY AFFILIATED WITH
23 ANY ONE RELIGION OR POLITICAL PARTY.

24 44-7922. Retailers of internet-enabled devices; duties

25 A. A RETAILER THAT MANUFACTURES, SELLS, OFFERS FOR SALE, LEASES OR
26 DISTRIBUTES AN INTERNET-ENABLED DEVICE SHALL DO ALL OF THE FOLLOWING:

27 1. ENSURE THAT THE PRODUCT IS EQUIPPED WITH AN ACTIVE AND OPERATING
28 FILTER BEFORE SALE THAT BLOCKS BY DEFAULT WEBSITES THAT BOTH:

29 (a) ARE KNOWN TO FACILITATE HUMAN TRAFFICKING OR PROSTITUTION.

30 (b) DISPLAY CHILD PORNOGRAPHY, REVENGE PORNOGRAPHY OR OBSCENE
31 MATERIAL THAT IS HARMFUL TO MINORS.

32 2. MAKE REASONABLE AND ONGOING EFFORTS TO ENSURE THAT A PRODUCT'S
33 FILTER FUNCTIONS PROPERLY.

34 3. ESTABLISH A REPORTING MECHANISM, SUCH AS A WEBSITE OR CALL
35 CENTER, TO ALLOW A CONSUMER TO REPORT UNBLOCKED WEBSITES DISPLAYING
36 CONTENT DESCRIBED IN THIS SUBSECTION OR TO REPORT BLOCKED WEBSITES THAT
37 ARE NOT DISPLAYING CONTENT DESCRIBED IN THIS SUBSECTION.

38 4. REPORT CHILD PORNOGRAPHY RECEIVED THROUGH THE REPORTING
39 MECHANISM TO THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN'S
40 CYBERTIPLINE IN ACCORDANCE WITH 18 UNITED STATES CODE SECTION 2258a.

41 5. NOT BLOCK ACCESS TO WEBSITES THAT:

42 (a) ARE SOCIAL MEDIA WEBSITES AND THAT PROVIDE A MEANS FOR THE
43 WEBSITE'S USERS TO REPORT OBSCENE MATERIALS AND HAVE IN PLACE PROCEDURES
44 FOR EVALUATING THOSE REPORTS AND REMOVING OBSCENE MATERIAL.

45 (b) SERVE PRIMARILY AS A SEARCH ENGINE.

1 (c) DISPLAY COMPLETE MOVIES THAT MEET THE QUALIFICATIONS FOR A "G",
2 "PG", "PG-13" OR "R" RATING BY THE CLASSIFICATION AND RATINGS
3 ADMINISTRATION, AS THOSE QUALIFICATIONS EXIST ON SEPTEMBER 1, 2020.

4 B. EXCEPT AS OTHERWISE PROVIDED, A RETAILER MAY NOT PROVIDE TO A
5 CONSUMER METHODS, SOURCE CODES OR OTHER OPERATING INSTRUCTIONS FOR
6 DEACTIVATING A PRODUCT'S FILTER.

7 C. A RETAILER OF AN INTERNET-ENABLED DEVICE SHALL DEACTIVATE THE
8 FILTER AFTER A CONSUMER DOES ALL OF THE FOLLOWING:

9 1. REQUESTS THAT THE CAPABILITY BE DISABLED.

10 2. PRESENTS PERSONAL IDENTIFICATION INFORMATION TO VERIFY THAT THE
11 CONSUMER IS EIGHTEEN YEARS OF AGE OR OLDER.

12 3. ACKNOWLEDGES RECEIVING A WARNING REGARDING THE POTENTIAL DANGER
13 OF DEACTIVATING THE FILTER.

14 4. PAYS A ONETIME \$20 DIGITAL FILTER DEACTIVATION FEE TO BE
15 REMITTED QUARTERLY TO THE DEPARTMENT OF REVENUE FOR DEPOSIT IN THE HUMAN
16 TRAFFICKING AND CHILD EXPLOITATION PREVENTION GRANT FUND ESTABLISHED BY
17 SECTION 41-191.12.

18 D. THE FILTER DEACTIVATION FEE DESCRIBED IN SUBSECTION C OF THIS
19 SECTION IS NOT CONTENT BASED BUT SHALL BE COLLECTED AND REMITTED TO THE
20 DEPARTMENT OF REVENUE TO HELP THIS STATE BEAR THE COSTS OF UPHOLDING
21 COMMUNITY STANDARDS OF DECENCY AND OF COMBATING SEXUAL-RELATED OFFENSES.
22 THE DEPARTMENT OF REVENUE SHALL PRESCRIBE BY RULE THE ADMINISTRATION,
23 PAYMENT, COLLECTION AND ENFORCEMENT OF THIS FEE. THE DEPARTMENT OF
24 REVENUE MAY ANNUALLY ADJUST THE FEE TO ACCOUNT FOR INFLATION.

25 E. THIS CHAPTER DOES NOT PREVENT A RETAILER OF AN INTERNET-ENABLED
26 DEVICE FROM CHARGING A REASONABLE AND SEPARATE FEE TO DEACTIVATE THE
27 FILTER, WHICH THE RETAILER MAY RETAIN FOR PROFIT.

28 F. THE ATTORNEY GENERAL SHALL PREPARE AND MAKE AVAILABLE TO
29 RETAILERS A FORM THAT INCLUDES ALL CONTENT THAT MUST BE IN THE WARNING
30 DESCRIBED IN SUBSECTION C OF THIS SECTION.

31 G. THIS CHAPTER DOES NOT REQUIRE A RETAILER OF AN INTERNET-ENABLED
32 DEVICE TO CREATE A DATABASE OR REGISTRY THAT CONTAINS THE NAMES OR
33 PERSONAL IDENTIFICATION INFORMATION OF ADULTS WHO KNOWINGLY CHOSE TO
34 DEACTIVATE A PRODUCT'S FILTER. A RETAILER OF AN INTERNET-ENABLED DEVICE
35 SHALL TAKE DUE CARE TO PROTECT THE PRIVACY RIGHTS OF ADULT CONSUMERS UNDER
36 THIS CHAPTER AND MAY NOT DISCLOSE THE NAMES OR PERSONAL IDENTIFICATION
37 INFORMATION OF AN ADULT CONSUMER WHO DECIDES TO DEACTIVATE A PRODUCT'S
38 FILTER.

39 44-7923. Indecent deceptive trade practice; civil action;
40 affirmative defense

41 A. IF A PRODUCT'S FILTER BLOCKS A WEBSITE THAT IS NOT DISPLAYING
42 CONTENT DESCRIBED IN SECTION 44-7922, SUBSECTION A AND THE BLOCK IS
43 REPORTED TO A CALL CENTER OR REPORTING MECHANISM ESTABLISHED PURSUANT TO
44 SECTION 44-7922, SUBSECTION A, PARAGRAPH 3, THE WEBSITE SHALL BE UNBLOCKED
45 WITHIN A REASONABLE TIME BUT NOT LATER THAN FIVE BUSINESS DAYS AFTER THE

1 BLOCK IS FIRST REPORTED. A CONSUMER MAY SEEK JUDICIAL RELIEF TO UNBLOCK A
2 WEBSITE THAT WAS WRONGFULLY BLOCKED BY THE FILTER. THE PREVAILING PARTY
3 IN A CIVIL ACTION MAY SEEK ATTORNEY FEES, COSTS AND OTHER FORMS OF RELIEF.

4 B. IF A RETAILER OF AN INTERNET-ENABLED DEVICE IS UNRESPONSIVE TO A
5 REPORT MADE PURSUANT TO SECTION 44-7922, SUBSECTION A, PARAGRAPH 3, THE
6 ATTORNEY GENERAL OR A CONSUMER MAY FILE A CIVIL ACTION. THE ATTORNEY
7 GENERAL OR A CONSUMER MAY SEEK DAMAGES OF UP TO \$500 FOR EACH WEBSITE THAT
8 WAS REPORTED BUT NOT SUBSEQUENTLY BLOCKED. THE PREVAILING PARTY IN THE
9 CIVIL ACTION MAY SEEK ATTORNEY FEES, COSTS AND OTHER FORMS OF RELIEF.

10 C. A RETAILER OF AN INTERNET-ENABLED DEVICE THAT FAILS TO COMPLY
11 WITH A DUTY DESCRIBED IN SUBSECTION A OR B OF THIS SECTION HAS ENGAGED IN
12 AN UNFAIR AND DECEPTIVE PRACTICE IN VIOLATION OF SECTION 44-1522 AND IS
13 SUBJECT TO THE REMEDIES DESCRIBED IN SECTION 44-1528.

14 D. ONLY THE ATTORNEY GENERAL CAN ENFORCE SUBSECTION C OF THIS
15 SECTION.

16 E. IT IS AN AFFIRMATIVE DEFENSE IN A CIVIL ACTION TO A CHARGE OF
17 VIOLATING THIS CHAPTER THAT THE DISSEMINATION OF THE CONTENT DESCRIBED IN
18 SECTION 44-7922, SUBSECTION A WAS LIMITED TO INSTITUTIONS OR ORGANIZATIONS
19 HAVING SCIENTIFIC, EDUCATIONAL OR OTHER SIMILAR JUSTIFICATIONS FOR
20 DISPLAYING THE MATERIAL.

21 44-7924. Unlawful practices; penalties; violation;
22 classification

23 A. IT IS AN UNLAWFUL PRACTICE PURSUANT TO SECTION 44-1522 FOR A
24 RETAILER OF AN INTERNET-ENABLED DEVICE TO KNOWINGLY:

25 1. SELL AN INTERNET-ENABLED DEVICE WITHOUT ACTIVATED BLOCKING
26 CAPABILITY THAT AT LEAST MAKES AN ATTEMPT TO BLOCK BY DEFAULT WEBSITES
27 THAT DISPLAY CONTENT DESCRIBED IN SECTION 44-7922, SUBSECTION A.

28 2. VIOLATE SECTION 44-7922, SUBSECTION B.

29 3. FAIL TO COMPLY WITH THE REQUIREMENTS OF SECTION 44-7922,
30 SUBSECTION C BEFORE DEACTIVATING A PRODUCT'S FILTER.

31 4. DISCLOSE TO A THIRD PARTY THE NAME OR THE PERSONAL
32 IDENTIFICATION INFORMATION OF ADULT CONSUMERS WHO HAVE ELECTED TO
33 DEACTIVATE A PRODUCT'S FILTER IN VIOLATION OF SECTION 44-7922, SUBSECTION
34 G WITHOUT A COURT ORDER DIRECTING OTHERWISE.

35 B. A RETAILER IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN \$1,000
36 FOR A FIRST OFFENSE AND \$2,500 FOR ANY SUBSEQUENT OFFENSE.

37 C. A RETAILER THAT HAS BEEN SUBJECT TO TWO CIVIL PENALTIES AND THAT
38 COMMITS AN ADDITIONAL OFFENSE UNDER SUBSECTION A OF THIS SECTION IS GUILTY
39 OF A CLASS 3 MISDEMEANOR. A RETAILER THAT HAS BEEN CONVICTED OF THREE
40 PRIOR OFFENSES UNDER SUBSECTION A OF THIS SECTION AND THAT COMMITS AN
41 OFFENSE UNDER SUBSECTION A OF THIS SECTION IS GUILTY OF A CLASS 2
42 MISDEMEANOR.

43 D. THE ATTORNEY GENERAL MAY INVESTIGATE AND TAKE APPROPRIATE ACTION
44 AS PRESCRIBED BY CHAPTER 10, ARTICLE 7 OF THIS TITLE.

1 E. ONLY THE ATTORNEY GENERAL OR COUNTY ATTORNEY MAY ENFORCE THIS
2 SECTION.

3 44-7925. Exemptions

4 THIS CHAPTER DOES NOT APPLY TO:

5 1. AN OCCASIONAL SALE OF AN INTERNET-ENABLED DEVICE BY A PERSON
6 THAT IS NOT REGULARLY ENGAGED IN THE TRADE BUSINESS OF SELLING
7 INTERNET-ENABLED DEVICES.

8 2. PRODUCTS THAT ARE PRODUCED OR SOLD BEFORE THE EFFECTIVE DATE OF
9 THIS SECTION.

10 3. INDEPENDENT THIRD-PARTY ROUTERS THAT ARE NOT AFFILIATED WITH AN
11 INTERNET SERVICE PROVIDER.

12 4. A RETAILER OF INTERNET-ENABLED DEVICES THAT IS NOT SUBJECT TO
13 THE JURISDICTION OF THIS STATE.

14 44-7926. Adult live entertainment establishment admission fee

15 A. EACH CUSTOMER ADMITTED TO AN ADULT LIVE ENTERTAINMENT
16 ESTABLISHMENT SHALL PAY A \$5 ADMISSION FEE FOR EACH ENTRY. THE FEE SHALL
17 BE REMITTED QUARTERLY TO THE DEPARTMENT OF REVENUE AND DEPOSITED INTO THE
18 HUMAN TRAFFICKING AND CHILD EXPLOITATION PREVENTION GRANT FUND ESTABLISHED
19 BY SECTION 41-191.12. THE DEPARTMENT OF REVENUE SHALL PRESCRIBE THE METHOD
20 OF ADMINISTRATION, PAYMENT, COLLECTION AND ENFORCEMENT OF THE FEE IMPOSED
21 BY THIS SECTION.

22 B. THE ADMISSION FEE IS NOT CONTENT BASED BUT IMPOSED AND REMITTED
23 TO THE STATE TO OFFSET SECONDARY HARMFUL EFFECTS AND TO HELP THE STATE
24 UPHOLD COMMUNITY STANDARDS OF DECENCY AND TO COMBAT SEXUAL-RELATED CRIMES
25 AND IS TO BE USED AS DESCRIBED IN SECTION 41-191.12.

26 C. THE ADMISSION FEE IS IN ADDITION TO ALL OTHER TAXES IMPOSED ON
27 THE BUSINESS THAT OFFERS ADULT ENTERTAINMENT.

28 D. EACH ADULT LIVE ENTERTAINMENT ESTABLISHMENT SHALL RECORD DAILY
29 IN THE MANNER REQUIRED BY THE DEPARTMENT OF REVENUE THE NUMBER OF
30 CUSTOMERS ADMITTED TO THE BUSINESS. THE BUSINESS SHALL MAINTAIN THE
31 RECORDS FOR THE PERIOD REQUIRED BY THE DEPARTMENT OF REVENUE AND MAKE THE
32 RECORDS AVAILABLE ONLY FOR INSPECTION AND AUDIT ON REQUEST BY THE
33 DEPARTMENT OF REVENUE. THE RECORDS MAY NOT CONTAIN THE NAMES OR PERSONAL
34 INFORMATION OF ANY OF THE CUSTOMERS.

35 E. THIS SECTION DOES NOT REQUIRE AN ADULT LIVE ENTERTAINMENT
36 ESTABLISHMENT TO IMPOSE A TAX ON A CUSTOMER OF THE BUSINESS. A BUSINESS
37 HAS THE DISCRETION TO DETERMINE THE MANNER IN WHICH THE BUSINESS DERIVES
38 THE MONEY REQUIRED TO PAY THE FEE IMPOSED UNDER THIS SECTION.

39 44-7927. Applicability

40 THIS CHAPTER APPLIES TO A RETAILER THAT MANUFACTURES, SELLS, OFFERS
41 FOR SALE, LEASES OR DISTRIBUTES INTERNET-ENABLED DEVICES, ADULT LIVE
42 ENTERTAINMENT ESTABLISHMENTS AND SOCIAL MEDIA WEBSITES THAT CENSOR USERS
43 FOR POLITICAL SPEECH OR RELIGIOUS SPEECH BEGINNING FROM AND AFTER THE
44 EFFECTIVE DATE OF THIS SECTION.

1 Sec. 3. Short title

2 This act may be cited as the "Human Trafficking and Child
3 Exploitation Prevention Act".

4 Sec. 4. Requirements for enactment; two-thirds vote

5 Pursuant to article IX, section 22, Constitution of Arizona, this
6 act is effective only on the affirmative vote of at least two-thirds of
7 the members of each house of the legislature and is effective immediately
8 on the signature of the governor or, if the governor vetoes this act, on
9 the subsequent affirmative vote of at least three-fourths of the members
10 of each house of the legislature.