

SENATE BILL NO. 308

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

1049S.01H

KRISTINA MARTIN, Secretary

AN ACT

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

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

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

407.1600. 1. This section shall be known and may be
2 cited as the "Protect Young Minds Online Act".

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

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

8 (2) "Obscene", material or internet content which is
9 or contains child pornography, explicit sexual material,
10 sadomasochistic abuse, sexual conduct, sexually explicit
11 conduct, or sexual performance as those terms are defined in
12 section 573.010. "Obscene" shall also have the same meaning
13 as used in section 573.010;

14 (3) "Subscriber", a person that has entered into an
15 agreement with an internet service provider to gain access
16 to the internet, including wirelessly, for residential
17 access.

18 3. An internet service provider, when entering into an
19 agreement with subscribers residing in Missouri, shall offer

20 subscribers the ability to filter obscene websites as set
21 forth in subsection 4 of this section. Opting in or out of
22 such filtering system shall be a prerequisite to receiving
23 internet service for new subscribers of internet service
24 providers. Additionally, on an annual basis, such
25 subscribers shall be given the opportunity to opt-out or opt-
26 in to the filtering system. In a communication with its
27 subscribers, an internet service provider shall give
28 subscribers the option to check a "yes" box signifying that
29 the subscriber wants to have access to the filtering system
30 for the next year or the option to check a "no" box
31 signifying that the subscriber does not want to have access
32 to the filtering system for the next year.

33 4. The internet service provider shall use a filtering
34 system, and such system may be operated by an independent
35 third party, that meets current industry standards of
36 website filtering as the method of redirecting obscene
37 websites for adult access only, and this system shall also
38 stay updated according to current industry standards in
39 order to maintain the current listing of websites deemed
40 obscene as defined in subsection 2 of this section. The
41 system shall also include the ability to update or correct
42 mischaracterized websites.

43 5. An internet service provider shall not be deemed to
44 be in violation of this section if the provider makes a good
45 faith effort to apply a generally accepted and commercially
46 reasonable method of compliance in accordance with
47 subsection 4 of this section.

48 6. The attorney general may seek injunctive and other
49 equitable relief against an internet service provider that
50 fails to comply with the provisions of this section.

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