



1           (2) To a minor unless the digital blocking capability is  
2           active and properly operating to make obscene material  
3           inaccessible.

4           (b) Any person who manufactures, sells, offers for sale,  
5           leases, or distributes a product that makes content accessible  
6           on the Internet shall make reasonable and ongoing efforts to:

7           (1) Ensure that the digital content blocking capability  
8           functions properly;

9           (2) Establish and maintain a reporting mechanism, such as  
10          a website or call center, to allow a consumer to  
11          report unblocked pornographic material or report  
12          blocked material that is not pornographic;

13          (3) Ensure that all child pornography and revenge  
14          pornography is inaccessible on the product;

15          (4) Prohibit the product from accessing any hub, website,  
16          or internet service that facilitates prostitution; and

17          (5) Render websites that are known to facilitate human  
18          trafficking inaccessible.

19          (c) As used in this section:

20          "Child pornography" has the same meaning as defined in  
21          section 707-750.



1 "Pornographic" has the same meaning as defined in section  
2 712-1210.

3 **§ -2 Deactivation of digital blocking capacity. (a)**

4 Any digital blocking capacity required under this chapter may be  
5 deactivated after a consumer:

- 6 (1) Requests that the capability be disabled;
- 7 (2) Presents identification to verify that the consumer is  
8 eighteen years of age or older;
- 9 (3) Acknowledges receiving a written warning regarding the  
10 potential dangers of deactivating the digital blocking  
11 capability; and
- 12 (4) Pays a one-time \$20 digital access fee.

13 (b) All moneys collected pursuant to subsection (a) (4)  
14 shall be submitted to the state treasury and deposited into the  
15 human trafficking victim services fund established under section  
16 706-650.5.

17 (c) A person who manufactures, sells, offers for sale,  
18 leases, or distributes a product that makes content accessible  
19 on the Internet may charge their own separate opt-in fee for  
20 each product that enters the State's stream of commerce.



1           §   -3   Material that is improperly blocked; failure to  
2   block material. (a) If the digital blocking capability blocks  
3   material that is not pornographic and the block is reported to a  
4   call center or reporting website, the material shall be  
5   unblocked within a reasonable time, but in no event later than  
6   five business days after the block is first reported.

7           (b) A consumer may seek judicial relief to unblock  
8   filtered content.

9           (c) If the digital blocking capability fails to block  
10   pornographic material and the failure is reported to a call  
11   center or reporting website, the material shall be blocked  
12   within a reasonable time, but in no event later than five  
13   business days after the failure to block is first reported. If  
14   a person who manufactures, sells, offers for sale, leases, or  
15   distributes a product that makes content accessible on the  
16   Internet is unresponsive to a report of pornographic material  
17   that has breached the filter, the attorney general or a consumer  
18   may file a civil suit. The attorney general or a consumer may  
19   seek damage of up to \$500 for each piece of content that is  
20   reported but not subsequently blocked. The prevailing party in  
21   the civil action may seek attorney fees.



1 (d) For the purposes of this section, "pornographic" has  
2 the same meaning as defined in section 712-1210."

3 SECTION 2. Chapter 712, Hawaii Revised Statutes, is  
4 amended by adding a new section to part II to be appropriately  
5 designated and to read as follows:

6 "§712- Failure to include digital pornographic content  
7 blocking capability. (1) A person commits the offense of  
8 failure to include digital pornography blocking capability if  
9 the person knowingly manufactures, sells, offers for sale,  
10 leases, or distributes a product that makes content accessible  
11 on the Internet:

12 (a) Unless the product contains digital blocking  
13 capability that renders pornographic material  
14 inaccessible; and

15 (b) To a minor unless the digital blocking capability is  
16 active and properly operating to make obscene material  
17 inaccessible.

18 (2) Failure to include digital pornography blocking  
19 capability is a misdemeanor."



# S.B. NO. 2838

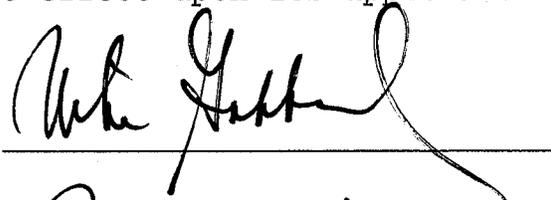
1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.

6

INTRODUCED BY:











# S.B. NO. 2838

**Report Title:**

Pornography; Digital Blocking Capabilities

**Description:**

Requires persons who manufacture, sell, offer for sale, lease, or distribute a product that makes content accessible on the internet to include digital blocking capability that renders pornographic material inaccessible. Allows consumers to disable the blocking capability if the consumer fulfills certain requirements, including payment of a digital access fee that is deposited into the human trafficking victim services fund.

Requires persons who manufacture, sell, offer for sale, lease, or distribute a product that makes content accessible on the internet to establish and maintain a reporting system for content that is improperly blocked and pornographic content that the blocking capability fails to block. Establishes the offense of failure to include digital pornography blocking capability.

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