



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5039

by Rep. Barbara Wheeler

#### SYNOPSIS AS INTRODUCED:

New Act  
815 ILCS 505/2Z

from Ch. 121 1/2, par. 262Z

Creates the Human Trafficking and Child Exploitation Prevention Act. Provides that it is unlawful to make available a device that makes content accessible on the Internet unless the product contains digital blocking capability that renders obscene material inaccessible. Permits the blocking capability to be deactivated. Provides a remedy if non-obscene material is blocked. Imposes a fee upon devices for which blocking capability is disabled. Permits the collection of opt-in fees for products that make Internet content available. Authorizes the Attorney General or a consumer to seek damages. Provides that fees shall be remitted to the Department of Revenue. Specifies the purposes for which, subject to appropriation, the fees may be used. Amends the Consumer Fraud and Deceptive Business Practices Act to include this Act within the list of Acts subject to the Consumer Fraud and Deceptive Business Practice Act.

LRB100 16221 JLS 34379 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Human  
5 Trafficking and Child Exploitation Prevention Act.

6 Section 5. Unlawful practice.

7 (a) A person may not manufacture, sell, offer for sale,  
8 lease, or distribute a product that makes content accessible on  
9 the Internet:

10 (1) unless the product contains digital blocking  
11 capability that renders any obscene material, as defined in  
12 Criminal Code of 2012, inaccessible; and

13 (2) to a minor unless the digital blocking capability  
14 is active and properly operating to make obscene material  
15 inaccessible.

16 (b) A person who manufactures, sells, offers for sale,  
17 leases, or distributes a product that makes content accessible  
18 on the Internet shall:

19 (1) make reasonable and ongoing efforts to ensure that  
20 the digital content blocking capability functions  
21 properly;

22 (2) establish a reporting mechanism, such as a website  
23 or call center, to allow a consumer to report unblocked

1           obscene material or report blocked material that is not  
2           obscene;

3           (3) ensure that all child pornography and revenge  
4           pornography is inaccessible on the product;

5           (4) prohibit the product from accessing any hub that  
6           facilitates prostitution; and

7           (5) render websites that are known to facilitate human  
8           trafficking, in violation of the Criminal Code of 2012,  
9           inaccessible.

10          Section 10. Deactivation of blocking capability.

11          (a) Any digital blocking capability may be deactivated  
12          after a consumer:

13           (1) requests that the capability be disabled;

14           (2) presents identification to verify that the  
15           consumer is 18 years of age or older;

16           (3) acknowledges receiving a written warning regarding  
17           the potential danger of deactivating the digital blocking  
18           capability; and

19           (4) pays a one-time \$20 digital access fee.

20          (b) A person who manufactures, sells, offers for sale,  
21          leases, or distributes a product that makes content accessible  
22          on the Internet may charge its own separate opt-in fee for each  
23          product that enters this State's stream of commerce.

24          Section 15. Collection and distribution of fees.

1 (a) Each quarter, a person that receives a digital access  
2 fee or an opt-in fee under Section 10 shall do both of the  
3 following:

4 (1) Remit all fee proceeds to the Department of Revenue  
5 in the manner prescribed by the Department of Revenue.

6 (2) File a report with the Department of Revenue  
7 containing the information prescribed by the Department of  
8 Revenue.

9 (b) The Department of Revenue shall deposit the funds  
10 remitted under this Section as follows:

11 (1) 60% shall be deposited into the Specialized  
12 Services for Survivors of Human Trafficking Fund.

13 (2) 40% shall be deposited into the Alcoholism and  
14 Substance Abuse Fund.

15 (c) Moneys received under this Section may be expended only  
16 pursuant to appropriation.

17 Section 20. Blocking material other than obscene material.

18 (a) If the digital blocking capability blocks material that  
19 is not obscene and the block is reported to a call center or  
20 reporting website, the material shall be unblocked within a  
21 reasonable time, but in no event later than 5 business days  
22 after the block is first reported.

23 (b) A consumer may seek judicial relief to unblock filtered  
24 content.

25 (c) If a person who manufactures, sells, offers for sale,

1 leases, or distributes a product that makes content accessible  
2 on the Internet is unresponsive to a report of obscene material  
3 that has breached the filter, the Attorney General or a  
4 consumer may file a civil suit. The Attorney General or a  
5 consumer may seek damages of up to \$500 for each piece of  
6 content that was reported but not subsequently blocked. The  
7 prevailing party in the civil action may seek attorney's fees.

8 Section 25. Violation; enforcement. A violation of this Act  
9 constitutes an unlawful practice under the Consumer Fraud and  
10 Deceptive Business Practices Act. All remedies, penalties, and  
11 authority granted to the Attorney General by the Consumer Fraud  
12 and Deceptive Business Practices Act shall be available to him  
13 or her for the enforcement of this Act.

14 Section 90. The Consumer Fraud and Deceptive Business  
15 Practices Act is amended by changing Section 2Z as follows:

16 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

17 Sec. 2Z. Violations of other Acts. Any person who knowingly  
18 violates the Automotive Repair Act, the Automotive Collision  
19 Repair Act, the Home Repair and Remodeling Act, the Dance  
20 Studio Act, the Physical Fitness Services Act, the Hearing  
21 Instrument Consumer Protection Act, the Illinois Union Label  
22 Act, the Installment Sales Contract Act, the Job Referral and  
23 Job Listing Services Consumer Protection Act, the Travel

1 Promotion Consumer Protection Act, the Credit Services  
2 Organizations Act, the Automatic Telephone Dialers Act, the  
3 Pay-Per-Call Services Consumer Protection Act, the Telephone  
4 Solicitations Act, the Illinois Funeral or Burial Funds Act,  
5 the Cemetery Oversight Act, the Cemetery Care Act, the Safe and  
6 Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales Act, the  
7 High Risk Home Loan Act, the Human Trafficking and Child  
8 Exploitation Act, the Payday Loan Reform Act, the Mortgage  
9 Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the  
10 Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the  
11 Cigarette Use Tax Act, the Electronic Mail Act, the Internet  
12 Caller Identification Act, paragraph (6) of subsection (k) of  
13 Section 6-305 of the Illinois Vehicle Code, Section 11-1431,  
14 18d-115, 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the  
15 Illinois Vehicle Code, Article 3 of the Residential Real  
16 Property Disclosure Act, the Automatic Contract Renewal Act,  
17 the Reverse Mortgage Act, Section 25 of the Youth Mental Health  
18 Protection Act, the Personal Information Protection Act, or the  
19 Student Online Personal Protection Act commits an unlawful  
20 practice within the meaning of this Act.

21 (Source: P.A. 99-331, eff. 1-1-16; 99-411, eff. 1-1-16; 99-642,  
22 eff. 7-28-16; 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;  
23 revised 10-6-17.)