



General Assembly

February Session, 2008

Raised Bill No. 5790

LCO No. 2546

02546 _____ GL_

Referred to Committee on General Law

Introduced by:
(GL)

AN ACT CONCERNING THE INTERNET AND PROTECTION OF CHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) For purposes of sections
2 1 to 8, inclusive, of this act:

3 (1) "Child" means a person who is less than eighteen years of age.

4 (2) "Internet or any other computer network" means the computer
5 network commonly known as the Internet and any other local, regional
6 or global computer network that is similar to or is a predecessor or
7 successor of the Internet.

8 (3) "Internet access provider" means an entity that provides
9 consumers with public access to the Internet.

10 (4) "Interactive computer service" means any information service,
11 system, or access software provider that provides or enables computer
12 access by multiple users to a computer server, including, but not
13 limited to, a service or system that provides access to the Internet and
14 such systems operated or services offered by libraries or educational

15 institutions.

16 (5) "Order" means a legal process for the release of information,
17 including, but not limited to, a subpoena, court order, search warrant,
18 or summons.

19 (6) "Username" means a string of characters chosen uniquely to
20 identify an individual who uses a computer or other device with
21 Internet capability to communicate with other individuals through the
22 exchange of e-mail messages, instant messages or by participating in
23 interactive online forums.

24 (7) "User password" means a string of characters that enables an
25 individual who uses a computer or other device with Internet
26 capability to gain access to e-mail messages and interactive online
27 forums.

28 Sec. 2. (NEW) (*Effective October 1, 2008*) (a) If an Internet access
29 provider knows or has reason to know from registration data in its
30 possession that a subscriber currently resides within this state, the
31 provider shall make available to the subscriber a product or service
32 which enables the subscriber to control a child's use of the Internet.
33 Such product or service shall, in a commercially reasonable manner,
34 enable the subscriber to:

35 (1) Block a child's access to specific web sites or domains;

36 (2) Restrict a child's access exclusively to specific web sites or
37 domains approved by the subscriber; and

38 (3) Allow the subscriber to monitor a child's use of the Internet
39 service by providing a report to the subscriber of the specific web sites
40 or domains that the child has visited or has attempted to visit but
41 could not access because the web sites or domains were blocked or
42 restricted by the subscriber.

43 (b) If a product or service described in this subsection is reasonably

44 and commercially available for the technology utilized by the
45 subscriber to access the Internet service, the provider of the Internet
46 service:

47 (1) Shall provide to the subscriber, at or near the time of
48 subscription, notice of the availability of such product or service; and

49 (2) May make such product or service available to the subscriber
50 either directly or through a third-party vendor and may charge for
51 such product or service.

52 Sec. 3. (NEW) (*Effective October 1, 2008*) (a) The Commissioner of
53 Education shall prepare model curricula for educating children
54 regarding online safety, taking into consideration the curricula on such
55 subject developed by the other states, as well as other relevant
56 materials suggested by education experts, child psychologists or
57 technology companies working on online child safety issues.

58 (b) Each local school district shall incorporate into its curriculum a
59 component on Internet safety to be taught at least once to students in
60 grade three or above.

61 (c) The Commissioner of Education shall provide to each school
62 district educational materials for parents regarding child online safety.

63 Sec. 4. (NEW) (*Effective October 1, 2008*) (a) A judge imposing
64 sentence on a person who has been convicted of aggravated sexual
65 assault against a child, sexual assault against a child, sexual contact
66 against a child, kidnapping of a child, endangering the welfare of a
67 child, possession of child pornography or an attempt to commit any of
68 these offenses shall include, in addition to any sentence, on such
69 person a special sentence of lifetime supervision. Such lifetime
70 supervision shall be conducted by a probation officer, parole officer,
71 law enforcement officer or computer information technology specialist
72 working under contract with a probation or law enforcement agency.

73 (b) A person serving a special sentence of lifetime supervision

74 pursuant to subsection (a) of this section shall be subject to the
75 following:

76 (1) Continued supervision, either in person or through remote
77 monitoring, of the person's incoming and outgoing e-mail and other
78 Internet-based communication for evidence relevant to any crime
79 listed in subsection (a) of this section.

80 (2) Continued supervision, either in person or through remote
81 monitoring, of the person's history of web sites visited and content
82 accessed for evidence relevant to any crime listed in subsection (a) of
83 this section.

84 (3) Periodic unannounced inspections of the contents of the person's
85 computer or any other device with Internet access, including the
86 retrieval and copying of all data from the computer or device and any
87 internal or external storage or portable media, and removal of such
88 information, computer, device or media to conduct a more thorough
89 inspection for evidence relevant to any crime listed in subsection (a) of
90 this section.

91 (c) If the Internet was used by the person in the commission of a
92 crime described listed in subsection (a) of this section, the judge, as
93 part of the sentence, may limit or restrict the person's Internet access in
94 a manner tailored to prevent further use of the Internet by the person
95 to commit any such crime.

96 (d) A person sentenced to a special sentence of lifetime supervision
97 pursuant to subsection (a) of this section may petition the Superior
98 Court for release from such supervision. A judge may grant a petition
99 for release only upon proof by clear and convincing evidence that the
100 person has not committed a crime described subsection (a) of this
101 section for fifteen years since the person's last conviction or release
102 from incarceration, whichever is later, and that the person is not likely
103 to pose a threat to the safety of others if released from parole
104 supervision.

105 (e) A person who knowingly violates the provisions and conditions
106 set forth in this section shall be guilty of a class D felony.

107 Sec. 5. (NEW) (*Effective October 1, 2008*) (a) An interactive computer
108 service, upon the request of a law enforcement agency for an
109 investigation of a possible sex offense involving a child under the
110 provisions of this act, shall take reasonable steps to preserve records
111 and other evidence in its possession pending the issuance of an order
112 or other legal process. Such service shall comply with the request as
113 soon as possible following receipt.

114 (b) Records referred to in subsection (a) of this section shall be
115 retained for a period of ninety days, which shall be extended for an
116 additional ninety-day period upon a further request of the law
117 enforcement agency within the initial ninety-day period.

118 (c) An interactive computer service shall, within fifteen business
119 days after receiving appropriate legal process pursuant to this act
120 relating to an investigation of a possible sex offense involving a child
121 pursuant to this act, provide information identified in 18 USC Section
122 2703 that are in its possession, except that if the interactive computer
123 service demonstrates to the requesting law enforcement agency that,
124 for bona fide technical or operational reasons, it cannot comply with
125 the order within fifteen business days of the request, it shall make
126 every reasonable effort to comply with the request as soon as
127 reasonably possible.

128 (d) In connection with any criminal investigation of a possible sex
129 offense involving a child under the provisions of this act that involves
130 immediate danger of death or serious bodily harm, a law enforcement
131 agency in this state may issue a request, without compulsory legal
132 process or court order, to a designated recipient of the interactive
133 computer service to disclose, consistent with 18 USC Sections
134 2702(b)(8) and 2702(c)(4), the information identified in this section. The
135 interactive computer service shall communicate with the requesting
136 agency to discuss the nature of the request and to coordinate an

137 appropriate response immediately and without delay.

138 (e) The provisions of this section shall be interpreted in a manner
139 consistent with the requirements of federal law that apply to providers
140 of an electronic communications service, including, but not limited to,
141 18 USC Section 2701, et seq. and 42 USC Section 13032.

142 Sec. 6. (NEW) (*Effective October 1, 2008*) An interactive computer
143 service doing business in this state that obtains knowledge of facts or
144 circumstances from which a violation of any law in this state
145 prohibiting child pornography is apparent, shall make a report, as
146 soon as reasonably possible, of such facts or circumstances to the
147 Cyber Tip Line at the National Center for Missing and Exploited
148 Children, consistent with the requirements of 42 USC Section 13032.

149 Sec. 7. (NEW) (*Effective October 1, 2008*) (a) A person commits
150 Internet sexual exploitation of a child if such person, who is at least
151 four years older than a child who is under fifteen years of age,
152 knowingly requests or encourages the child through communication
153 via a computer network or system to: (1) Expose or touch the child's
154 own or another person's intimate parts while communicating with the
155 person via a computer network or system; or (2) observe the person's
156 intimate parts while communicating with the person via a computer
157 network or system.

158 (b) It shall not be an affirmative defense to this section that the child
159 was actually a law enforcement officer posing as a child under fifteen
160 years of age.

161 (c) Internet sexual exploitation of a child is a class C felony.

162 Sec. 8. (NEW) (*Effective October 1, 2008*) (a) A person more than four
163 years older than a child commits Internet luring of a child if the person
164 knowingly communicates a statement over a computer or computer
165 network to such child under fifteen years of age, describing sexual
166 conduct, and, in connection with the communication, makes a

167 statement persuading or inviting the child to meet the person for any
168 purpose.

169 (b) It shall not be an affirmative defense to this section that: (1) A
170 meeting did not occur; or (2) the child was actually a law enforcement
171 officer posing as a child under fifteen years of age.

172 (c) Internet luring of a child is a class C felony, except that luring of
173 a child is a class B felony if committed with the intent to meet the child
174 for the purpose of engaging in sexual exploitation or sexual contact.

175 (d) For purposes of this section, "in connection with" means
176 communications that further, advance, promote or have a continuity of
177 purpose and may occur before, during or after the invitation to meet.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	New section
Sec. 3	<i>October 1, 2008</i>	New section
Sec. 4	<i>October 1, 2008</i>	New section
Sec. 5	<i>October 1, 2008</i>	New section
Sec. 6	<i>October 1, 2008</i>	New section
Sec. 7	<i>October 1, 2008</i>	New section
Sec. 8	<i>October 1, 2008</i>	New section

Statement of Purpose:

To protect children from Internet predators.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]