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**COMMUNITY CONSCIOUS INTERNET  
PROVIDER**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael T. Morley**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill provides for the creation of a Community Conscious Internet Provider designation for Internet service providers.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires the attorney general to establish a Community Conscious Internet Provider designation for Internet service providers;
- ▶ provides requirements for being designated as a Community Conscious Internet Provider;
- ▶ addresses the duration and renewal of the Community Conscious Internet Provider designation; and
- ▶ provides for a civil fine for certain violations.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:



- 28            **67-5-26**, Utah Code Annotated 1953
- 29            **67-5-27**, Utah Code Annotated 1953
- 30            **67-5-28**, Utah Code Annotated 1953

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32 *Be it enacted by the Legislature of the state of Utah:*

33            Section 1. Section **67-5-26** is enacted to read:

34            **67-5-26. Definitions.**

35            As used in Sections 67-5-26, 67-5-27, and 67-5-28:

36            (1) "Allocated" or "allocation" refers to the distribution, delegation, lease, license, or  
37 other authorization to a person of the right to use an IP address.

38            (2) "Cache" means to utilize a process to duplicate a communication on the Internet in  
39 another location other than the communication's origin.

40            (3) "Internet protocol" means a data-oriented protocol used for communicating data  
41 across a packet-switched network.

42            (4) "Internet service provider" means a person who provides:

43            (a) Internet access;

44            (b) equipment for hosting or publishing content on the Internet; or

45            (c) a location on the Internet for a customer.

46            (5) "IP address" means a number that uniquely identifies a device connected to a  
47 computer network based on the Internet protocol.

48            (6) "Link" means to functionally integrate a communication into an Internet location,  
49 allowing a person to easily move to another Internet location.

50            (7) "Prohibited communication" means a communication that is:

51            (a) pornographic under Section 76-10-1203; or

52            (b) harmful to minors under Section 76-10-1206.

53            (8) "Proxy" means a process allowing an Internet communication to be processed by an  
54 intermediary to:

55            (a) mask the identity of a person using the Internet; or

56            (b) permit access to a port for which access is otherwise blocked for the person using  
57 the Internet.

58            (9) "Published" or "publishing" means to broadcast, post, link, cache, or use an IP

59 address to make a proxy or communication.

60 Section 2. Section **67-5-27** is enacted to read:

61 **67-5-27. Community Conscious Internet Provider -- Requirements -- Application**  
62 **-- Renewal.**

63 (1) The attorney general shall create a Community Conscious Internet Provider  
64 designation, including a seal, that may be used in promotional and other materials by an  
65 Internet service provider that is awarded the Community Conscious Internet Provider  
66 designation under this section.

67 (2) The attorney general shall award the Community Conscious Internet Provider  
68 designation to an Internet service provider that:

69 (a) completes an application created by the attorney general; and

70 (b) agrees to:

71 (i) prohibit its customers by contract from publishing any prohibited communication;

72 (ii) remove or prevent access to any prohibited communication published by or  
73 accessed using the Internet service provider's service within a reasonable time after the Internet  
74 service provider learns of the prohibited communication;

75 (iii) comply with any court order concerning the removal of a prohibited  
76 communication;

77 (iv) maintain a record for two years following its allocation of an IP address of the IP  
78 address, the date and time of the allocation, and the customer to whom the IP address is  
79 allocated;

80 (v) cooperate with any law enforcement agency by providing records sufficient to  
81 identify a customer if the law enforcement agency requests the information and supplies  
82 reasonable proof that a crime has been committed using the Internet service provider's service;

83 (vi) respond to the attorney general, other law enforcement agency, or customer who  
84 complains of a prohibited communication published by or accessible using the Internet service  
85 provider's service; and

86 (vii) provide information concerning the Internet service provider's compliance with  
87 this section promptly upon request by the attorney general.

88 (3) An Internet service provider that is awarded the Community Conscious Internet  
89 Provider designation shall require its customers to enter into an agreement providing that:

90 (a) publishing a prohibited communication is prohibited; and  
91 (b) the Internet service provider will:  
92 (i) remove or prevent access to a prohibited communication of which it is aware;  
93 (ii) comply with a court order ordering the removal of a prohibited communication;  
94 (iii) maintain a record for two years following its allocation of an IP address of the IP  
95 address, the date and time of the allocation, and the customer to whom the IP address is  
96 allocated;

97 (iv) cooperate with any law enforcement agency by providing records sufficient to  
98 identify a customer if the law enforcement agency requests the information and supplies  
99 reasonable proof that a crime has been committed using the Internet service provider's service;  
100 and

101 (v) respond to the attorney general, other law enforcement agency, or customer who  
102 complains of a prohibited communication published by or accessible using the Internet service  
103 provider's service.

104 (4) A Community Conscious Internet Provider designation awarded under this section:

105 (a) is valid for one year from the day on which the designation is awarded; and  
106 (b) may be renewed by filing an application for renewal provided by the attorney  
107 general and remaining in compliance with Subsections (2) and (3).

108 (5) The attorney general shall provide an application form and information concerning  
109 the Community Conscious Internet Provider designation on the attorney general's Internet  
110 website and at the attorney general's office.

111 Section 3. Section **67-5-28** is enacted to read:

112 **67-5-28. Penalties.**

113 The attorney general has a cause of action for a civil fine of up to \$10,000 for a  
114 violation of Section 67-5-27 against:

115 (1) a person who uses the Community Conscious Internet Provider designation without  
116 being awarded the designation; or

117 (2) an Internet service provider that does not fulfil its agreement under Subsection  
118 67-5-27(2)(b).

**Legislative Review Note**  
as of 2-1-08 11:14 AM

**Office of Legislative Research and General Counsel**