

**CHILD PROTECTION REGISTRY AMENDMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to the child protection registry.

**Highlighted Provisions:**

This bill:

- ▶ modifies the definition of "contact point"; and
- ▶ modifies a prohibition against a communication advertising or promoting certain products intended for a minor.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**13-39-102**, as last amended by Laws of Utah 2006, Chapter 336

**13-39-202**, as last amended by Laws of Utah 2006, Chapter 336

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

Section 1. Section **13-39-102** is amended to read:

**13-39-102. Definitions.**

As used in this chapter:



28 (1) "Contact point" means an electronic identification of a resident of the state to which  
29 a communication may be sent, including:

30 (a) an email address; or

31 (b) subject to Subsection 13-39-201(2):

32 (i) an instant message identity, subject to rules made by the division under Subsection  
33 13-39-203(1);

34 (ii) a mobile or other telephone number;

35 (iii) a facsimile number; or

36 (iv) an electronic address:

37 (A) similar to a contact point listed in this Subsection (1); and

38 (B) defined as a contact point by rule made by the division under Subsection  
39 13-39-203(1).

40 (2) "Division" means the Division of Consumer Protection in the Department of  
41 Commerce.

42 (3) "Registry" means the child protection registry established in Section 13-39-201.  
43 Section 2. Section **13-39-202** is amended to read:

44 **13-39-202. Prohibition of sending certain materials to a registered contact point**  
45 **-- Exception for consent.**

46 (1) A person may not send, cause to be sent, or conspire with a third party to send a  
47 communication to a contact point or domain that has been registered for more than 30 calendar  
48 days with the division under Section 13-39-201 if the communication:

49 (a) has the primary purpose of advertising or promoting a product or service that a  
50 minor;

51 (i) is prohibited by law from purchasing; ~~or~~ and

52 (ii) is able to purchase or use without a face-to-face transaction in which the minor's  
53 age can be objectively verified; or

54 (b) contains or has the primary purpose of advertising or promoting material that is  
55 harmful to minors, as defined in Section 76-10-1201.

56 (2) Except as provided in Subsection (4), consent of a minor is not a defense to a  
57 violation of this section.

58 (3) An Internet service provider does not violate this section for solely transmitting a

59 message across the network of the Internet service provider.

60 (4) (a) Notwithstanding Subsection (1), a person may send a communication to a  
61 contact point if, before sending the communication, the person sending the communication  
62 receives consent from an adult who controls the contact point.

63 (b) Any person who proposes to send a communication under Subsection (4)(a) shall:

64 (i) verify the age of the adult who controls the contact point by inspecting the adult's  
65 government-issued identification card in a face-to-face transaction;

66 (ii) obtain a written record indicating the adult's consent that is signed by the adult;

67 (iii) include in each communication:

68 (A) a notice that the adult may rescind the consent; and

69 (B) information that allows the adult to opt out of receiving future communications;

70 and

71 (iv) notify the division that the person intends to send communications under this  
72 Subsection (4).

73 (c) The division shall implement rules to verify that a person providing notification  
74 under Subsection (4)(b)(iv) complies with this Subsection (4).

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**Legislative Review Note**  
as of 1-19-11 6:52 AM

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

S.B. 109, 2011 General Session

SHORT TITLE: Child Protection Registry Amendments

SPONSOR: Bramble, C.

STATE OF UTAH

## STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will result in the loss of \$21,700 to the Commerce Service Fund. Revenue to and expenditures from the Commerce Service Fund affect the annual transfer to the General Fund.

STATE BUDGET DETAIL TABLE	FY 2011	FY 2012	FY 2013
Revenue:			
General Fund	\$0	(\$21,700)	(\$21,700)
Total Revenue	\$0	(\$21,700)	(\$21,700)
Expenditure	\$0	\$0	\$0
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$21,700)	(\$21,700)
Net Impact, General/Education Funds	\$0	(\$21,700)	(\$21,700)

## LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

## DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

The vendor currently administering this program will lose approximately \$87,000. Businesses that would be exempted with this legislation would save the fees they currently pay of \$108,500.