

1 **RESOLUTION URGING FEDERAL AND STATE**
2 **ACTION AGAINST INTERNET ABUSES**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Dana C. Love**

6 **This concurrent resolution of the Legislature and the Governor urges the Federal**
7 **Government to address abuses of Internet technology that deceptively expose Internet**
8 **users to objectionable material and illegal activities and urges states to join in**
9 **recommending federal action. The resolution also urges Utah and other states to study**
10 **ways states can address these threats to their citizens.**

11 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

12 WHEREAS, in just a few years, the Internet has become a pervasive influence in
13 societies throughout the world;

14 WHEREAS, in the wake of increased use of the Internet for everything from shopping
15 to research comes the increased use of Internet technology that is harmful to Internet users;

16 WHEREAS, the proliferation of computer viruses transmitted through use of the
17 Internet has resulted in the loss of hundreds of millions of dollars for companies and
18 individuals due to crashed computer equipment and corrupted data;

19 WHEREAS, many websites fail to accurately disclose the nature of their site or what
20 product they may sell;

21 WHEREAS, Internet technology is sometimes used to prevent an Internet user from
22 leaving a website while credit card numbers and other sensitive information is stolen from the
23 user;

24 WHEREAS, some obscene websites disguise their objectionable products, thereby
25 snaring unsuspecting users, then use Internet technology to prevent users from leaving the
26 website;

27 WHEREAS, if websites prevent users from leaving the site, the only way a user can



28 escape credit card theft or exposure to objectionable material may be to turn off the computer,
29 which in some cases crashes the computer or results in the loss of important information stored
30 on the user's computer;

31 WHEREAS, constitutional protections such as the Commerce Clause and the First
32 Amendment may restrict state efforts to regulate harmful Internet activities;

33 WHEREAS, although these constitutional protections address basic and important
34 rights, these protections should not be used to protect criminal actions taken by website owners
35 or operators who use technology to victimize computer users;

36 WHEREAS, because of the interstate and international aspects of the Internet the
37 Federal Government may be best positioned to regulate these harmful Internet activities;

38 WHEREAS, Internet users' rights to choose what they are exposed to through the
39 Internet, should be upheld by laws such as laws that require clear identification of a website's
40 content and when notified of a website's content permit users to easily remove themselves from
41 the website;

42 WHEREAS, the Federal Government should enforce laws that protect the citizens of
43 the United States from theft, damage to property, and deceptive exposure to objectionable
44 material through criminal use of Internet technology and should refine or create new federal
45 laws where necessary;

46 WHEREAS, these laws should be crafted so that they do not have unintended
47 consequences for the many legitimate businesses that provide Internet services;

48 WHEREAS, the Federal Government should consider adapting laws that protect
49 citizens from pornographic mail to provide similar protections to electronic forms of
50 pornographic mail;

51 WHEREAS, Utah and other states should carefully study these encroachments on the
52 rights of citizens and develop strategies to combat these abuses; and

53 WHEREAS, the state and Federal Government's responsibility of protecting the rights
54 of its citizens must include protection of its citizens while they are on the Internet:

55 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
56 Governor concurring therein, urge the Federal Government to enforce laws, and develop
57 appropriate new laws, that will protect its citizens from theft, damage to property, and
58 deceptive exposure to objectionable material through use of Internet technology.

59 BE IT FURTHER RESOLVED that the Legislature and the Governor urge other states
60 to also petition the Federal Government to protect its citizens.

61 BE IT FURTHER RESOLVED that the Legislature and the Governor urge Utah and
62 other states to study ways states can address these threats to the well being of their citizens.

63 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Federal
64 Communications Commission, the United States Attorney General, the attorney general of each
65 of the fifty states, the National Conference of State Legislatures, and to the members of Utah's
66 congressional delegation.

Legislative Review Note
as of 1-23-03 4:04 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HCR004

Resolution Urging Federal and State Action Against Internet Abuses 27-Jan-03
11:57 AM

State Impact

Fiscal impact required to implement provisions of this resolution can be handled within existing budgets.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst