

CHILD PROTECTION REGISTRY

AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: John Dougall

LONG TITLE

General Description:

This bill makes changes to the Child Protection Registry disclosure provisions.

Highlighted Provisions:

This bill:

- ▶ amends the disclosure to registrants provision of the Child Protection Registry to conform to the criminal penalty provisions of Section 13-39-301; and
- ▶ makes technical changes, including clarifying that the Division of Consumer Protection shall administer and enforce the Child Protection Registry.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2005.

Utah Code Sections Affected:

AMENDS:

13-2-1, as last amended by Chapter 222, Laws of Utah 2002

13-39-201 (Effective 07/01/05), as enacted by Chapter 338, Laws of Utah 2004

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

Section 1. Section **13-2-1** is amended to read:

13-2-1. Consumer protection division established -- Functions.



28 (1) There is established within the Department of Commerce the Division of Consumer
29 Protection.

30 (2) The division shall administer and enforce the following:

- 31 (a) Chapter 5, Unfair Practices Act;
- 32 (b) Chapter 10a, Music Licensing Practices Act;
- 33 (c) Chapter 11, Utah Consumer Sales Practices Act;
- 34 (d) Chapter 15, Business Opportunity Disclosure Act;
- 35 (e) Chapter 20, New Motor Vehicles Warranties Act;
- 36 (f) Chapter 21, Credit Services Organizations Act;
- 37 (g) Chapter 22, Charitable Solicitations Act;
- 38 (h) Chapter 23, Health Spa Services Protection Act;
- 39 (i) Chapter 25a, Telephone and Facsimile Solicitation Act;
- 40 (j) Chapter 26, Telephone Fraud Prevention Act;
- 41 (k) Chapter 28, Prize Notices Regulation Act;
- 42 (l) Chapter 30, Utah Personal Introduction Services Protection Act; [~~and~~]
- 43 (m) Chapter 34, Utah Postsecondary Proprietary School Act[-]; and
- 44 (n) Chapter 39, Child Protection Registry.

45 Section 2. Section **13-39-201 (Effective 07/01/05)** is amended to read:

46 **13-39-201 (Effective 07/01/05). Establishment of child protection registry.**

47 (1) The division shall:

48 (a) establish and operate a child protection registry to compile and secure a list of
49 contact points the division has received pursuant to this section; or

50 (b) contract with a third party to establish and secure the registry described in
51 Subsection (1)(a).

52 (2) (a) The division shall implement the registry described in this section with respect
53 to email addresses beginning on July 1, 2005.

54 (b) The division shall implement the registry described in this section with respect to
55 instant message identities after:

56 (i) the division has determined to the satisfaction of the division the security of the
57 registry described in this section with respect to email addresses; and

58 (ii) the division has reported to the Public Utilities and Technology Interim Committee

59 the intention of the division to implement the registry described in this section with respect to
60 instant message identities.

61 (c) The division shall implement the registry described in this section with respect to
62 telephone numbers, facsimile numbers, and electronic addresses described in Subsection
63 13-39-102(1)(b)(iv) after:

64 (i) the division has determined to the satisfaction of the division the security of the
65 registry described in this section with respect to instant message identities; and

66 (ii) the division has reported to the Public Utilities and Technology Interim Committee
67 the intention of the division to implement the registry described in this section with respect to
68 telephone numbers, facsimile numbers, and electronic addresses described in Subsection
69 13-39-102(1)(b)(iv).

70 (3) (a) A person may register a contact point with the division pursuant to rules
71 established by the division under Subsection 13-39-203(1) if:

72 (i) the contact point belongs to a minor; or

73 (ii) a minor has access to the contact point.

74 (b) A school or other institution that primarily serves minors may register its domain
75 name with the division pursuant to rules made by the division under Subsection 13-39-203(1).

76 (c) The division shall provide a disclosure to a person who registers a contact point
77 under this section that reads: "No solution is completely secure. The most effective way to
78 protect children on the Internet is to supervise use and review all email messages and other
79 correspondence. Under law, theft of a contact point from the Child Protection Registry is a
80 ~~class-B~~ second degree felony. While every attempt will be made to secure the Child
81 Protection Registry, registrants and their guardians should be aware that their contact points
82 may be at a greater risk of being misappropriated by marketers who choose to disobey the law."

83 (4) A person desiring to send a communication described in Subsection 13-39-202(1)
84 to a contact point or domain shall:

85 (a) use a mechanism established by rule made by the division under Subsection
86 13-39-203(2); and

87 (b) pay a fee for use of the mechanism described in Subsection (4)(a) determined by
88 the division in accordance with Section 63-38-3.2.

89 Section 3. **Effective date.**

90 This bill takes effect on July 1, 2005.

Legislative Review Note
as of 11-27-04 2:26 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel