

1 **AMENDMENTS TO CHILD PROTECTION**

2 **REGISTRY**

3 2006 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Eric K. Hutchings**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This bill makes changes to the Child Protection Registry.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ allows a person to send a communication to a contact point on the Child Protection
- 14 Registry if the person receives written consent from an adult to receive
- 15 communications covered by the registry; and
- 16 ▶ makes technical changes.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **13-39-202**, as enacted by Chapter 338, Laws of Utah 2004

24

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

26 Section 1. Section **13-39-202** is amended to read:

27 **13-39-202. Prohibition of sending certain materials to a registered contact point**



28 -- **Exception for consent.**

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

32 (a) advertises a product or service that a minor is prohibited by law from purchasing; or

33 (b) contains or advertises material that is harmful to minors, as defined in Section
34 76-10-1201.

35 (2) The consent of a minor is not a defense to a violation of this section.

36 (3) An Internet service provider does not violate this section for solely transmitting a
37 message across the network of the Internet service provider.

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

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

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

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

45 (iii) include in each communication:

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

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

48 and

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

51 (c) The division may implement procedures to verify that a person providing
52 notification under Subsection (4)(b)(iv) complies with this Subsection (4).

Legislative Review Note

as of 2-2-06 3:58 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

Fiscal Note
Bill Number HB0417

Amendments to Child Protection Registry

06-Feb-06

10:10 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst