

CHILD REGISTRY AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark B. Madsen

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies a provision of the Child Protection Registry.

Highlighted Provisions:

This bill:

► modifies a provision prohibiting certain actions relating to a communication to a contact point or domain registered with the Division of Consumer Protection.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

-- **Exception for consent.**

(1) ~~§~~ **(a)** ~~§~~ A person may not send, cause to be sent, or conspire with a third party to send a

communication to a contact point or domain that has been registered for more than 30 calendar

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28 days with the division under Section 13-39-201 if the communication:

29 ~~§~~ ~~(a)~~ (i) ~~§~~ has the primary purpose of advertising or promoting a product or service

29a that a

30 minor ~~§~~ ~~is~~

31 ~~(i)~~ ~~§~~ is prohibited by law from purchasing ~~§~~ , **except as provided in Subsection (1)(b) ~~§~~ ;**

31a ~~§~~ ~~[f]~~ or ~~[g]~~ **and**

32 ~~(ii)~~ **is able to purchase or use without a face-to-face transaction in which the minor's**

33 **age can be objectively verified; or**

34 ~~(b)~~ (ii) ~~§~~ contains or has the primary purpose of advertising or promoting material that:

35 ~~(i)~~ (A) ~~§~~ is harmful to minors, as defined in Section 76-10-1201[-]; or

36 ~~§~~ ~~[(ii) exposes]~~ **(B) would expose ~~§~~ a minor to an enticement to consume alcohol**

36a **~~§~~ or use tobacco.**

36b **(b) Subsection (1)(a)(i) does not prohibit a communication that advertises or promotes**

36c **gambling if:**

36d **(i) the gambling that is advertised or promoted:**

36e **(A) is to occur outside the state; and**

36f **(B) is lawful where it occurs; and**

36g **(ii) the communication does not advertise or promote material that:**

36h **(A) is harmful to minors, as defined in Section 76-10-1201; or (B) would expose a**

36i **minor to an enticement to consume alcohol or use tobacco ~~§~~ .**

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

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

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

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

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

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

48 (iii) include in each communication:

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

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

51 and

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

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

Legislative Review Note
as of 2-26-10 11:45 AM

Office of Legislative Research and General Counsel

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Fiscal Note

2010 General Session
State of Utah

State Impact

Enactment of this bill will result in a loss of revenue in the amount of \$11,600.

	<u>FY 2010 Approp.</u>	<u>FY 2011 Approp.</u>	<u>FY 2012 Approp.</u>	<u>FY 2010 Revenue</u>	<u>FY 2011 Revenue</u>	<u>FY 2012 Revenue</u>
General Fund	\$0	\$0	\$0	\$0	(\$11,600)	(\$11,600)
Total	\$0	\$0	\$0	\$0	(\$11,600)	(\$11,600)

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or local governments. The contracted vendor will see a decrease in revenue.
