



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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January 31, 2024

Mr. President,

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 104**, CHILDREN'S DEVICE PROTECTION ACT, by Senator T. D. Weiler, be replaced and reports a favorable recommendation on **1st Sub. S.B. 104**, CHILDREN'S DEVICE PROTECTION ACT with the following amendments:

1. *Page 3, Lines 64 through 70:*

64 (1) (a) An adult individual, other than the parent or legal guardian of the minor
65 in possession
66 of a device, who disables the filter required under Section 78B-6-2602 on a device in
67 possession of a minor for the purpose of disseminating pornography to the minor,
68 = commits a class A misdemeanor.
69 (b) For each offense, the violator is subject to fines up to \$5,000.
70 (2) Any person who has a prior conviction under this section, is guilty of a felony of
69 the third degree and shall, for each separate offense, be fined ~~{up to}~~ an
amount not to exceed \$50,000 and may be
70 imprisoned for ~~{up to one year}~~ zero to five years .

2. *Page 4, Lines 91 through 93:*

91 deactivate, modify, or uninstall a filter on a device. =
(9) (a) "Retailer" means a person, that is not a manufacturer, that sells a
device directly to consumers.

Bill Number



SB0104S01

Action Class



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Action Code



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(b) "Retailer" includes an employee of a retailer acting in the course and scope of the employee's employment.

92 {~~(9)~~} (10) "Smart phone" means the same as that term is defined in
Section 63A-2-101.5.

93 {~~(10)~~} (11) "Tablet" means a mobile device that:

3. *Page 5, Line 119:*

119 accordance with this section. =

(3) Nothing in this part creates a cause of action against a retailer of a device.

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Respectfully,

Todd D. Weiler
Chair

Voting: 5-0-1

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