
DIGEST

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HB 77 Reengrossed

2023 Regular Session

Schlegel

Abstract: Provides for the attorney general investigation and pursuit of actions for commercial entities that knowingly and intentionally publish or distribute material harmful to minors and that fail to perform reasonable age verification.

Proposed law provides that commercial entities that knowingly and intentionally publish or distribute material harmful to minors shall be subject to civil fines if the entity fails to perform reasonable age verification methods to verify the age of individuals attempting to access the material.

Proposed law provides that the attorney general may conduct an investigation and initiate a civil action in the 19th J.D.C. for civil penalties. Proposed law provides that the attorney general shall provide the commercial entity with no less than 30 days to comply with reasonable age verification prior to initiating a civil action.

Proposed law authorizes the court to assess a civil penalty of not more than \$5,000 for each day of violation, and, for entities that knowingly failed to perform reasonable age verification, an additional civil penalty of \$10,000 per violation. The civil penalties shall be paid to the Department of Justice, in order to fund the investigation of cyber crimes involving the exploitation of children.

Proposed law provides that commercial entities in violation of proposed law may be liable to the attorney general for all costs, expenses, and fees related to the investigations and proceedings, as well as legal interest as provided in present law (R.S. 9:3500).

Present law (R.S. 9:3500) provides for the rates of legal and conventional interest.

Proposed law provides that bona fide news and public interest entities, internet service providers, their affiliates and subsidiaries, search engines, and cloud service providers shall be exempt from proposed law.

Proposed law defines "commercial entity", "distribute", "internet", "material harmful to minors", "minor", "news-gathering organization", "publish", "reasonable age verification methods", and "substantial portion".

Proposed law provides that proposed law shall be known and cited as the "Pornography Age Verification Enforcement Act" or the "PAVE Act".

(Adds R.S. 51:2121)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Add a radio broadcast station, television broadcast station, cable television operator, and wire service to the definition of a news-gathering organization.
2. Add a chapter name.
3. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Permit instead of mandate the attorney general to hold liable any commercial entity that violates proposed law.
2. Change the definition of material harmful to minors to include patently offensive material as defined in present law.