ACT 216 (HB 77)   **2023 Regular Session**   **Schlegel**

New 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.

New law provides that the attorney general may conduct an investigation and initiate a civil action in the 19th Judicial District Court for civil penalties. New 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.

New 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.

New law provides that commercial entities in violation of new law may be liable to the attorney general for all costs, expenses, and fees related to the investigation and proceeding, as well as legal interest as provided in existing law (R.S. 9:3500).

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

New 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 new law.

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

New law shall be known and cited as the "Pornography Age Verification Enforcement Act" or the "PAVE Act".

Effective August 1, 2023.

(Adds R.S. 51:2121)