

HB 1256-FN - AS INTRODUCED

2024 SESSION

24-2248

05/10

HOUSE BILL

1256-FN

AN ACT establishing liability for publishers and distributors of Internet material harmful to minors.

SPONSORS: Rep. Moffett, Merr. 4; Rep. J. Harvey-Bolia, Belk. 3; Rep. Harley, Rock. 30; Rep. Calabro, Hills. 45; Rep. Aron, Sull. 4; Rep. Selig, Straf. 10; Rep. Rollins, Sull. 3; Rep. B. King, Hills. 43; Sen. Lang, Dist 2

COMMITTEE: Judiciary

ANALYSIS

 This bill establishes liability for publisher and distributors of Internet material harmful to minors.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

In the Year of Our Lord Two Thousand Twenty Four

Be it Enacted by the Senate and House of Representatives in General Court convened:

(a) An employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, who can provide documentation of such employment with the newspaper, news publication, or associated media source.

1 (b) An employee of a radio broadcast station, television broadcast station, cable
2 television operator, or wire service, who can provide documentation of such employment.

3 VII. "Publish" means to communicate or make information available to another person or
4 entity on a publicly available Internet website.

5 VIII. "Reasonable age verification methods" include verifying that the person seeking to
6 access the material is 18 years of age or older by using any of the following methods:

7 (a) Provide a "digitized identification card", which means a data file available on any
8 mobile device which has connectivity to the Internet through a state-approved agency or an
9 authorized agent of a state agency that contains all the data elements visible on the face and back of
10 a license or identification card.

11 (b) Require the person attempting to access the material to comply with a commercial
12 age verification system that verifies in one or more of the following ways:

13 (1) Government-issued identification.

14 (2) Any commercially reasonable method that relies on public or private
15 transactional data to verify the age of the person attempting to access the information is at least 18
16 years of age or older.

17 IX. "Substantial portion" means more than 33-1/3 percent of total material on a website,
18 which meets the definition of "material harmful to minors".

19 X. "Transactional data" means a sequence of information that documents an exchange,
20 agreement, or transfer between an individual, commercial entity, or third party used for the purpose
21 of satisfying a request or event. Transactional data can include, but is not limited to records from
22 mortgage, education, and employment entities.

23 544-D:2 Civil Damages for Publication of Material Harmful to Minors.

24 I. Any commercial entity that knowingly and intentionally publishes or distributes material
25 potentially harmful to minors on the Internet from a website that contains a substantial portion of
26 such material shall be held liable if the entity fails to implement reasonable age verification methods
27 to confirm the age of individuals attempting to access the material.

28 II. Any commercial entity or third party that performs the required age verification shall not
29 retain any identifying information of the individual after access has been granted to the material.

30 III. Any commercial entity found to have violated this section shall be liable to an individual
31 for damages resulting from a minor's accessing the material, including court costs and reasonable
32 attorney fees as ordered by the court.

33 IV. A commercial entity that is found to have knowingly retained identifying information of
34 the individual after access has been granted to the individual shall be liable to the individual for
35 damages resulting from retaining the identifying personal information, including court costs and
36 reasonable attorney fees as ordered by the court.

1 V. This section shall not apply to any bona fide news or public interest broadcast, website
2 video, report, or event and shall not be construed to affect the rights of any news-gathering
3 organizations.

4 VI. No Internet service provider, or its affiliates or subsidiaries, search engine, or cloud
5 service provider shall be held to have violated the provisions of this section solely for providing
6 access or connection to or from a website or other information or content on the Internet or a facility,
7 system, or network not under that provider's control including transmission, downloading,
8 intermediate storage, access software, or other to the extent such provider is not responsible for the
9 creation of the content of the communication that constitutes material harmful to minors.

10 2 Effective Date. This act shall take effect on January 1, 2025.

HB 1256-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to establishing liability for publishers and distributors of Internet material harmful to minors.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Revenue Fund(s)</i>	General Fund Judicial Branch Information Technology Fund, Escrow Fund for Court Facility Improvements			
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund			
Appropriations	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ No
- Does this bill authorize new positions to implement this bill? ☒ No

METHODOLOGY:

This bill establishes liability for publisher and distributors of Internet material harmful to minors. The Judicial Branch indicates that it is not possible to estimate how this bill would impact the number of filings in the courts. Because the bill would establish a new cause of action, it is expected that civil litigation would increase. Common costs and fees for civil cases include the following:

Average Costs	FY 2024	FY 2025
Superior Court Complex Civil Case	\$1,321	\$1,347
Superior Court Routine Civil Case	\$494	\$504
Superior Court Entry Fees	As of 12/12/20	
Original Entry Fee		\$280
Third-Party Claim		\$280
Motion to Reopen		\$160

RSA 490:24 provides that 6 percent of each entry fee shall be deposited into the escrow fund for judicial branch facility improvements, and 30 percent of each entry fee shall be deposited into

the judicial branch information technology fund. The remainder is deposited in the State general fund.

AGENCIES CONTACTED:

Judicial Branch