

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Shaheen, Schatzline, Collier

H.B. No. 1181

A BILL TO BE ENTITLED

AN ACT

relating to restricting access to sexual material harmful to minors on an Internet website; providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 129B to read as follows:

CHAPTER 129B. LIABILITY FOR ALLOWING MINORS TO ACCESS PORNOGRAPHIC MATERIAL

Sec. 129B.001. DEFINITIONS. In this chapter:

(1) "Commercial entity" includes a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized business entity.

(2) "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

(3) "Minor" means an individual younger than 18 years of age.

(4) "News-gathering organization" includes:

(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 is acting within the course and scope of that employment and can provide documentation of that employment with the newspaper, news publication, or news source; and

1           (B) an employee of a radio broadcast station,  
2 television broadcast station, cable television operator, or wire  
3 service who is acting within the course and scope of that employment  
4 and can provide documentation of that employment.

5           (5) "Publish" means to communicate or make information  
6 available to another person or entity on a publicly available  
7 Internet website.

8           (6) "Sexual material harmful to minors" includes any  
9 material that:

10           (A) the average person, applying contemporary  
11 community standards, would find, taking the material as a whole and  
12 with respect to minors, is designed to appeal to or pander to the  
13 prurient interest;

14           (B) in a manner patently offensive with respect  
15 to minors, exploits, is devoted to, or principally consists of  
16 descriptions of actual, simulated, or animated display or depiction  
17 of:

18                   (i) a person's pubic hair, anus, or genitals  
19 or the nipple of the female breast;

20                   (ii) touching, caressing, or fondling of  
21 nipples, breasts, buttocks, anuses, or genitals; or

22                   (iii) sexual intercourse, masturbation,  
23 sodomy, bestiality, oral copulation, flagellation, excretory  
24 functions, exhibitions, or any other sexual act; and

25           (C) taken as a whole, lacks serious literary,  
26 artistic, political, or scientific value for minors.

27           (7) "Transactional data" means a sequence of

1 information that documents an exchange, agreement, or transfer  
2 between an individual, commercial entity, or third party used for  
3 the purpose of satisfying a request or event. The term includes  
4 records from mortgage, education, and employment entities.

5 Sec. 129B.002. PUBLICATION OF MATERIAL HARMFUL TO MINORS.

6 (a) A commercial entity that knowingly and intentionally publishes  
7 or distributes material on an Internet website, including a social  
8 media platform, more than one-third of which is sexual material  
9 harmful to minors, shall use reasonable age verification methods as  
10 described by Section 129B.003 to verify that an individual  
11 attempting to access the material is 18 years of age or older.

12 (b) A commercial entity that performs the age verification  
13 required by Subsection (a) or a third party that performs the age  
14 verification required by Subsection (a) may not retain any  
15 identifying information of the individual.

16 Sec. 129B.003. REASONABLE AGE VERIFICATION METHODS. (a)

17 In this section, "digital identification" means information stored  
18 on a digital network that may be accessed by a commercial entity and  
19 that serves as proof of the identity of an individual.

20 (b) A commercial entity that knowingly and intentionally  
21 publishes or distributes material on an Internet website or a third  
22 party that performs age verification under this chapter shall  
23 require an individual to:

24 (1) provide digital identification; or

25 (2) comply with a commercial age verification system  
26 that verifies age using:

27 (A) government-issued identification; or

1           (B) a commercially reasonable method that relies  
2 on public or private transactional data to verify the age of an  
3 individual.

4           Sec. 129B.004. APPLICABILITY OF CHAPTER. (a) This chapter  
5 does not apply to a bona fide news or public interest broadcast,  
6 website video, report, or event and may not be construed to affect  
7 the rights of a news-gathering organization.

8           (b) An Internet service provider, or its affiliates or  
9 subsidiaries, a search engine, or a cloud service provider may not  
10 be held to have violated this chapter solely for providing access or  
11 connection to or from a website or other information or content on  
12 the Internet or on a facility, system, or network not under that  
13 provider's control, including transmission, downloading,  
14 intermediate storage, access software, or other services to the  
15 extent the provider or search engine is not responsible for the  
16 creation of the content that constitutes sexual material harmful to  
17 minors.

18           Sec. 129B.005. CIVIL PENALTY; INJUNCTION. (a) If the  
19 attorney general believes that an entity is knowingly violating or  
20 has knowingly violated this chapter and the action is in the public  
21 interest, the attorney general may bring an action in a Travis  
22 County district court or the district court in the county in which  
23 the principal place of business of the entity is located in this  
24 state to enjoin the violation, recover a civil penalty described by  
25 Subsection (b), and obtain other relief the court considers  
26 appropriate.

27           (b) A civil penalty imposed under this section may be in an

1 amount equal to not more than the total, if applicable, of:

2 (1) \$10,000 per day that the entity operates an  
3 Internet website in violation of the age verification requirements  
4 of this chapter;

5 (2) \$10,000 per instance when the entity retains  
6 identifying information in violation of Section 129B.002(b); and

7 (3) if, because of the entity's violation of the age  
8 verification requirements of this chapter, one or more minors  
9 accesses sexual material harmful to minors, an additional amount of  
10 not more than \$250,000.

11 (c) The amount of a civil penalty under this section shall  
12 be based on:

13 (1) the seriousness of the violation, including the  
14 nature, circumstances, extent, and gravity of the violation;

15 (2) the history of previous violations;

16 (3) the amount necessary to deter a future violation;

17 (4) the economic effect of a penalty on the entity on  
18 whom the penalty will be imposed;

19 (5) the entity's knowledge that the act constituted a  
20 violation of this chapter; and

21 (6) any other matter that justice may require.

22 SECTION 2. This Act takes effect September 1, 2023.

**ADOPTED**

MAY 19 2023

*Lately Spaw*  
Secretary of the Senate

By: *Angela Paxton*

H.B. No. 1181

Substitute the following for H.B. No. 1181:

By: *Bryan Hughes*

C.S. H.B. No. 1181

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to access to sexually explicit material on the Internet or  
3 electronic devices; providing civil penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is  
6 amended by adding Chapter 121 to read as follows:

7 CHAPTER 121. ELECTRONIC DEVICE FILTERS

8 SUBCHAPTER A. ELECTRONIC DEVICE FILTER REQUIREMENTS

9 Sec. 121.001. DEFINITIONS. In this chapter:

10 (1) "Activate" means the process of powering on an  
11 electronic device and associating the device with a new user  
12 account.

13 (2) "Electronic device" means a device with a screen  
14 that is capable of connecting to a cellular network or the Internet.

15 (3) "Explicit material" means visual material that:

16 (A) the average person applying contemporary  
17 community standards would find, taking the material as a whole, is  
18 intended to appeal to a prurient interest;

19 (B) depicts, regardless of whether the depiction  
20 is actual, simulated, or animated, in a patently offensive way:

21 (i) sexual intercourse, bestiality,  
22 masturbation, sodomy, oral copulation, flagellation, or excretory  
23 functions or actions;

24 (ii) the striking, manipulating, or

1 touching of a person's nipple, breast, buttock, anus, or genitals;  
2 (iii) the use of devices, tools,  
3 instruments, structures, or other items in relation to the  
4 performance of any of the acts listed in Subparagraph (i) or (ii);  
5 or  
6 (iv) sadomasochistic abuse or lewd  
7 exhibition of a person's genitals, anus, pubic hair, or nipple; and  
8 (C) taken as a whole, lacks serious literary,  
9 artistic, political, religious, or scientific value.

10 (4) "Filter" means software installed on an electronic  
11 device that, at the time a user activates the device, meets or  
12 exceeds industry standards and employs the manufacturer's most  
13 advanced, market-ready technology for preventing the device from  
14 accessing, downloading, or displaying explicit material using:

15 (A) a mobile data network;  
16 (B) an Internet network, including wireless  
17 Internet; or  
18 (C) a software application owned and controlled  
19 by the device's manufacturer.

20 (5) "Manufacturer" means a person who:  
21 (A) is engaged in the business of manufacturing  
22 electronic devices or holds a patent for an electronic device; and  
23 (B) maintains a registered agent under Section  
24 5.201, Business Organizations Code.

25 (6) "Minor" means an individual younger than 18 years  
26 of age who:  
27 (A) has never been married; and

1                   (B) has not had the disabilities of minority  
2 removed for general purposes.

3                   (7) "Simulated" has the meaning assigned by Section  
4 21.16, Penal Code.

5                   (8) "Visual material" means any film, photograph,  
6 videotape, negative, or slide or any photographic reproduction that  
7 contains or incorporates any film, photograph, videotape,  
8 negative, or slide.

9                   Sec. 121.002. APPLICABILITY. This chapter does not apply  
10 to a telecommunications provider who activates an electronic device  
11 on behalf of a user.

12                   Sec. 121.003. ELECTRONIC DEVICE FILTER REQUIRED. (a) A  
13 manufacturer shall ensure that an electronic device activated in  
14 this state will, on activation, automatically enable a filter and  
15 notify the user of the device when the filter prevents the device  
16 from accessing, downloading, or displaying explicit material.

17                   (b) An electronic device must:

18                   (1) allow the user of the device or a minor user's  
19 parent or guardian to circumvent the filter required under  
20 Subsection (a) by entering a password or access code; and

21                   (2) reasonably prevent a user of the device from  
22 circumventing, modifying, removing, or uninstalling the filter  
23 without entering a password or access code.

24                   Sec. 121.004. VIOLATION. (a) A manufacturer violates this  
25 chapter if the manufacturer releases into the market an electronic  
26 device that, when activated in this state, does not automatically  
27 enable a filter under Section 121.003 because the device lacks the



1 necessary software or is defective.

2 (b) Notwithstanding Subsection (a), a manufacturer does not  
3 violate this chapter if the manufacturer makes a good faith effort  
4 to provide an electronic device that automatically enables a filter  
5 under Section 121.003.

6 SUBCHAPTER B. ENFORCEMENT

7 Sec. 121.051. CIVIL PENALTY; INJUNCTION. (a) A  
8 manufacturer who knowingly violates Section 121.004(a) is liable to  
9 this state for a civil penalty in an amount not to exceed the lesser  
10 of:

11 (1) \$10,000 for each violation; or

12 (2) \$50 million.

13 (b) A manufacturer who negligently violates Section  
14 121.004(a) is liable to this state for a civil penalty in an amount  
15 not to exceed the lesser of:

16 (1) \$1,000 for each violation; or

17 (2) \$5 million.

18 (c) The attorney general may bring an action in the name of  
19 the state to obtain an injunction preventing further violations of  
20 this chapter by a manufacturer or to recover a civil penalty under  
21 this section. The prevailing party shall recover reasonable and  
22 necessary attorney's fees and costs incurred in an action brought  
23 under this section.

24 (d) The action may be brought in a district court in:

25 (1) Travis County; or

26 (2) the county in which the defendant's principal  
27 place of business is located.

1       (e) The attorney general shall deposit a civil penalty  
2 collected under this section in the state treasury to the credit of  
3 the general revenue fund.

4       SECTION 2. Title 6, Civil Practice and Remedies Code, is  
5 amended by adding Chapter 129B to read as follows:

6 CHAPTER 129B. LIABILITY FOR ALLOWING MINORS TO ACCESS PORNOGRAPHIC  
7 MATERIAL

8       Sec. 129B.001. DEFINITIONS. In this chapter:

9           (1) "Commercial entity" includes a corporation,  
10 limited liability company, partnership, limited partnership, sole  
11 proprietorship, or other legally recognized business entity.

12           (2) "Distribute" means to issue, sell, give, provide,  
13 deliver, transfer, transmute, circulate, or disseminate by any  
14 means.

15           (3) "Minor" means an individual younger than 18 years  
16 of age.

17           (4) "News-gathering organization" includes:

18                   (A) an employee of a newspaper, news publication,  
19 or news source, printed or on an online or mobile platform, of  
20 current news and public interest, who is acting within the course  
21 and scope of that employment and can provide documentation of that  
22 employment with the newspaper, news publication, or news source;  
23 and

24                   (B) an employee of a radio broadcast station,  
25 television broadcast station, cable television operator, or wire  
26 service who is acting within the course and scope of that employment  
27 and can provide documentation of that employment.

1           (5) "Publish" means to communicate or make information  
2 available to another person or entity on a publicly available  
3 Internet website.

4           (6) "Sexual material harmful to minors" includes any  
5 material that:

6                   (A) the average person applying contemporary  
7 community standards would find, taking the material as a whole and  
8 with respect to minors, is designed to appeal to or pander to the  
9 prurient interest;

10                   (B) in a manner patently offensive with respect  
11 to minors, exploits, is devoted to, or principally consists of  
12 descriptions of actual, simulated, or animated displays or  
13 depictions of:

14                           (i) a person's pubic hair, anus, or genitals  
15 or the nipple of the female breast;

16                           (ii) touching, caressing, or fondling of  
17 nipples, breasts, buttocks, anuses, or genitals; or

18                           (iii) sexual intercourse, masturbation,  
19 sodomy, bestiality, oral copulation, flagellation, excretory  
20 functions, exhibitions, or any other sexual act; and

21                   (C) taken as a whole, lacks serious literary,  
22 artistic, political, or scientific value for minors.

23           (7) "Transactional data" means a sequence of  
24 information that documents an exchange, agreement, or transfer  
25 between an individual, commercial entity, or third party used for  
26 the purpose of satisfying a request or event. The term includes  
27 records from mortgage, education, and employment entities.

1           Sec. 129B.002. PUBLICATION OF MATERIAL HARMFUL TO MINORS.

2   (a) A commercial entity that knowingly and intentionally publishes  
3 or distributes material on an Internet website, including a social  
4 media platform, more than one-third of which is sexual material  
5 harmful to minors, shall use reasonable age verification methods as  
6 described by Section 129B.003 to verify that an individual  
7 attempting to access the material is 18 years of age or older.

8           (b) A commercial entity that performs the age verification  
9 required by Subsection (a) or a third party that performs the age  
10 verification required by Subsection (a) may not retain any  
11 identifying information of the individual.

12           Sec. 129B.003. REASONABLE AGE VERIFICATION METHODS. (a)

13 In this section, "digital identification" means information stored  
14 on a digital network that may be accessed by a commercial entity and  
15 that serves as proof of the identity of an individual.

16           (b) A commercial entity that knowingly and intentionally  
17 publishes or distributes material on an Internet website or a third  
18 party that performs age verification under this chapter shall  
19 require an individual to:

20                   (1) provide digital identification; or

21                   (2) comply with a commercial age verification system

22 that verifies age using:

23                           (A) government-issued identification; or

24                           (B) a commercially reasonable method that relies

25 on public or private transactional data to verify the age of an  
26 individual.

27           Sec. 129B.004. APPLICABILITY OF CHAPTER. (a) This chapter

1 does not apply to a bona fide news or public interest broadcast,  
2 website video, report, or event and may not be construed to affect  
3 the rights of a news-gathering organization.

4 (b) An Internet service provider, or its affiliates or  
5 subsidiaries, a search engine, or a cloud service provider may not  
6 be held to have violated this chapter solely for providing access or  
7 connection to or from a website or other information or content on  
8 the Internet or on a facility, system, or network not under that  
9 provider's control, including transmission, downloading,  
10 intermediate storage, access software, or other services to the  
11 extent the provider or search engine is not responsible for the  
12 creation of the content that constitutes sexual material harmful to  
13 minors.

14 Sec. 129B.005. CIVIL PENALTY; INJUNCTION. (a) If the  
15 attorney general believes that an entity is knowingly violating or  
16 has knowingly violated this chapter and the action is in the public  
17 interest, the attorney general may bring an action in a Travis  
18 County district court or the district court in the county in which  
19 the principal place of business of the entity is located in this  
20 state to enjoin the violation, recover a civil penalty described by  
21 Subsection (b), and obtain other relief the court considers  
22 appropriate.

23 (b) A civil penalty imposed under this section may be in an  
24 amount equal to not more than the total, if applicable, of:

25 (1) \$10,000 per day that the entity operates an  
26 Internet website in violation of the age verification requirements  
27 of this chapter;

1           (2) \$10,000 per instance when the entity retains  
2 identifying information in violation of Section 129B.002(b); and  
3           (3) if, because of the entity's violation of the age  
4 verification requirements of this chapter, one or more minors  
5 accesses sexual material harmful to minors, an additional amount of  
6 not more than \$250,000.

7           (c) The amount of a civil penalty under this section shall  
8 be based on:

9           (1) the seriousness of the violation, including the  
10 nature, circumstances, extent, and gravity of the violation;

11           (2) the history of previous violations;

12           (3) the amount necessary to deter a future violation;

13           (4) the economic effect of a penalty on the entity on  
14 whom the penalty will be imposed;

15           (5) the entity's knowledge that the act constituted a  
16 violation of this chapter; and

17           (6) any other matter that justice may require.

18           SECTION 3. Not later than January 1, 2024, each  
19 manufacturer shall implement a software update to automatically  
20 enable an electronic device filter on an electronic device  
21 activated in this state as required by Chapter 121, Business &  
22 Commerce Code, as added by this Act.

23           SECTION 4. (a) Except as provided by Subsection (b) of this  
24 section, this Act takes effect September 1, 2023.

25           (b) Chapter 121, Business & Commerce Code, as added by this  
26 Act, takes effect January 1, 2024.

ADOPTED

MAY 19 2023

*Lately Law*  
Secretary of the Senate

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: \_\_\_\_\_

*Angela Paxton*

1 Amend C.S.H.B. No. 1181 (senate committee report) by  
2 striking all below the enacting clause (page 1, line 27 through page  
3 4, line 63) and substituting the following:

4 SECTION 1. Title 6, Civil Practice and Remedies Code, is  
5 amended by adding Chapter 129B to read as follows:

6 CHAPTER 129B. LIABILITY FOR ALLOWING MINORS TO ACCESS PORNOGRAPHIC

7 MATERIAL

8 Sec. 129B.001. DEFINITIONS. In this chapter:

9 (1) "Commercial entity" includes a corporation,  
10 limited liability company, partnership, limited partnership, sole  
11 proprietorship, or other legally recognized business entity.

12 (2) "Distribute" means to issue, sell, give, provide,  
13 deliver, transfer, transmute, circulate, or disseminate by any  
14 means.

15 (3) "Minor" means an individual younger than 18 years  
16 of age.

17 (4) "News-gathering organization" includes:

18 (A) an employee of a newspaper, news publication,  
19 or news source, printed or on an online or mobile platform, of  
20 current news and public interest, who is acting within the course  
21 and scope of that employment and can provide documentation of that  
22 employment with the newspaper, news publication, or news source;  
23 and

24 (B) an employee of a radio broadcast station,  
25 television broadcast station, cable television operator, or wire  
26 service who is acting within the course and scope of that employment  
27 and can provide documentation of that employment.

28 (5) "Publish" means to communicate or make information  
29 available to another person or entity on a publicly available

1 Internet website.

2 (6) "Sexual material harmful to minors" includes any  
3 material that:

4 (A) the average person applying contemporary  
5 community standards would find, taking the material as a whole and  
6 with respect to minors, is designed to appeal to or pander to the  
7 prurient interest;

8 (B) in a manner patently offensive with respect  
9 to minors, exploits, is devoted to, or principally consists of  
10 descriptions of actual, simulated, or animated displays or  
11 depictions of:

12 (i) a person's pubic hair, anus, or genitals  
13 or the nipple of the female breast;

14 (ii) touching, caressing, or fondling of  
15 nipples, breasts, buttocks, anuses, or genitals; or

16 (iii) sexual intercourse, masturbation,  
17 sodomy, bestiality, oral copulation, flagellation, excretory  
18 functions, exhibitions, or any other sexual act; and

19 (C) taken as a whole, lacks serious literary,  
20 artistic, political, or scientific value for minors.

21 (7) "Transactional data" means a sequence of  
22 information that documents an exchange, agreement, or transfer  
23 between an individual, commercial entity, or third party used for  
24 the purpose of satisfying a request or event. The term includes  
25 records from mortgage, education, and employment entities.

26 Sec. 129B.002. PUBLICATION OF MATERIAL HARMFUL TO MINORS.

27 (a) A commercial entity that knowingly and intentionally publishes  
28 or distributes material on an Internet website, including a social  
29 media platform, more than one-third of which is sexual material  
30 harmful to minors, shall use reasonable age verification methods as  
31 described by Section 129B.003 to verify that an individual



1 attempting to access the material is 18 years of age or older.

2 (b) A commercial entity that performs the age verification  
3 required by Subsection (a) or a third party that performs the age  
4 verification required by Subsection (a) may not retain any  
5 identifying information of the individual.

6 Sec. 129B.003. REASONABLE AGE VERIFICATION METHODS. (a)  
7 In this section, "digital identification" means information stored  
8 on a digital network that may be accessed by a commercial entity and  
9 that serves as proof of the identity of an individual.

10 (b) A commercial entity that knowingly and intentionally  
11 publishes or distributes material on an Internet website or a third  
12 party that performs age verification under this chapter shall  
13 require an individual to:

14 (1) provide digital identification; or

15 (2) comply with a commercial age verification system  
16 that verifies age using:

17 (A) government-issued identification; or

18 (B) a commercially reasonable method that relies  
19 on public or private transactional data to verify the age of an  
20 individual.

21 Sec. 129B.004. SEXUAL MATERIALS HEALTH WARNINGS. A  
22 commercial entity required to use reasonable age verification  
23 methods under Section 129B.002(a) shall:

24 (1) display the following notices on the landing page  
25 of the Internet website on which sexual material harmful to minors  
26 is published or distributed and all advertisements for that  
27 Internet website in 14-point font or larger:

28 "TEXAS HEALTH AND HUMAN SERVICES WARNING: Pornography  
29 is potentially biologically addictive, is proven to harm human  
30 brain development, desensitizes brain reward circuits, increases  
31 conditioned responses, and weakens brain function."

1 "TEXAS HEALTH AND HUMAN SERVICES WARNING: Exposure to  
2 this content is associated with low self-esteem and body image,  
3 eating disorders, impaired brain development, and other emotional  
4 and mental illnesses."

5 "TEXAS HEALTH AND HUMAN SERVICES WARNING: Pornography  
6 increases the demand for prostitution, child exploitation, and  
7 child pornography."; and

8 (2) display the following notice at the bottom of  
9 every page of the Internet website in 14-point font or larger:

10 "U.S. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

11 HELPLINE:

12 1-800-662-HELP (4357)

13 THIS HELPLINE IS A FREE, CONFIDENTIAL INFORMATION SERVICE (IN  
14 ENGLISH OR SPANISH) OPEN 24 HOURS PER DAY, FOR INDIVIDUALS AND  
15 FAMILY MEMBERS FACING MENTAL HEALTH OR SUBSTANCE USE DISORDERS.

16 THE SERVICE PROVIDES REFERRAL TO LOCAL TREATMENT FACILITIES,  
17 SUPPORT GROUPS, AND COMMUNITY-BASED ORGANIZATIONS."

18 Sec. 129B.005. APPLICABILITY OF CHAPTER. (a) This chapter  
19 does not apply to a bona fide news or public interest broadcast,  
20 website video, report, or event and may not be construed to affect  
21 the rights of a news-gathering organization.

22 (b) An Internet service provider, or its affiliates or  
23 subsidiaries, a search engine, or a cloud service provider may not  
24 be held to have violated this chapter solely for providing access or  
25 connection to or from a website or other information or content on  
26 the Internet or on a facility, system, or network not under that  
27 provider's control, including transmission, downloading,  
28 intermediate storage, access software, or other services to the  
29 extent the provider or search engine is not responsible for the  
30 creation of the content that constitutes sexual material harmful to  
31 minors.

1           Sec. 129B.006. CIVIL PENALTY; INJUNCTION. (a) If the  
2 attorney general believes that an entity is knowingly violating or  
3 has knowingly violated this chapter and the action is in the public  
4 interest, the attorney general may bring an action in a Travis  
5 County district court or the district court in the county in which  
6 the principal place of business of the entity is located in this  
7 state to enjoin the violation, recover a civil penalty, and obtain  
8 other relief the court considers appropriate.

9           (b) A civil penalty imposed under this section for a  
10 violation of Section 129B.002 or 129B.003 may be in an amount equal  
11 to not more than the total, if applicable, of:

12                   (1) \$10,000 per day that the entity operates an  
13 Internet website in violation of the age verification requirements  
14 of this chapter;

15                   (2) \$10,000 per instance when the entity retains  
16 identifying information in violation of Section 129B.002(b); and

17                   (3) if, because of the entity's violation of the age  
18 verification requirements of this chapter, one or more minors  
19 accesses sexual material harmful to minors, an additional amount of  
20 not more than \$250,000.

21           (c) The amount of a civil penalty under this section shall  
22 be based on:

23                   (1) the seriousness of the violation, including the  
24 nature, circumstances, extent, and gravity of the violation;

25                   (2) the history of previous violations;

26                   (3) the amount necessary to deter a future violation;

27                   (4) the economic effect of a penalty on the entity on  
28 whom the penalty will be imposed;

29                   (5) the entity's knowledge that the act constituted a  
30 violation of this chapter; and

31                   (6) any other matter that justice may require.

1           (d) The attorney general may recover reasonable and  
2 necessary attorney's fees and costs incurred in an action under  
3 this section.

4           SECTION 2. This Act takes effect September 1, 2023.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**Revision 1**

**May 20, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1181** by Shaheen (Relating to access to sexually explicit material on the Internet or electronic devices; providing civil penalties.), **As Passed 2nd House**

The fiscal implications of the bill cannot be determined due to because the extent to which caseloads would increase in the state court system is unknown.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, SD, SMAT, JPa

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 20, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1181** by Shaheen (Relating to access to sexually explicit material on the Internet or electronic devices; providing civil penalties.), **As Passed 2nd House**

The fiscal implications of the bill cannot be determined due to because the extent to which caseloads would increase in the state court system is unknown.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would amend the Civil Practice and Remedies Code to restrict access to pornographic materials on certain websites and to create civil liability for certain actions that allow minors to access pornographic materials.

The bill would require organizations that own Internet websites to have mechanisms and filters for age verification as required by the bill. The bill would provide that an organization may be held liable if the organization does not include a mechanism for age verification. The bill would also provide that a person who uploads pornographic material to an Internet website may be held liable for damages if an individual below the age specified by the bill would access the materials on the website.

The bill would provide for a civil penalty against business who fail to comply with reasonable age verification requirements required by the bill. Any revenue generated by this section would be deposited in General Revenue.

Based on the analysis of the Office of Court Administration, the fiscal implications to the state court system cannot be determined because the extent to which caseloads and penalties would increase under the provisions of the bill is unknown.

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, SD, SMAT, JPa

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 17, 2023**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1181** by Shaheen (relating to access to sexually explicit material on the Internet or electronic devices; providing civil penalties.), **Committee Report 2nd House, Substituted**

The fiscal implications of the bill cannot be determined due to because the extent to which caseloads would increase in the state court system is unknown.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would amend the Civil Practice and Remedies Code to restrict access to pornographic materials on certain websites and to create civil liability for certain actions that allow minors to access pornographic materials.

The bill would require organizations that own Internet websites to have mechanisms and filters for age verification as required by the bill. The bill would provide that an organization may be held liable if the organization does not include a mechanism for age verification. The bill would also provide that a person who uploads pornographic material to an Internet website may be held liable for damages if an individual below the age specified by the bill would access the materials on the website.

The bill would provide for a civil penalty against business who fail to comply with reasonable age verification requirements required by the bill. Any revenue generated by this section would be deposited in General Revenue.

Based on the analysis of the Office of Court Administration, the fiscal implications to the state court system cannot be determined because the extent to which caseloads and penalties would increase under the provisions of the bill is unknown.

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 304 Comptroller of Public Accounts

**LBB Staff:** JMc, SMAT, JPa

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 15, 2023**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1181** by Shaheen (Relating to restricting access to sexual material harmful to minors on an Internet website; providing a civil penalty.), **As Engrossed**

The fiscal implications of the bill cannot be determined due to because the extent to which caseloads would increase in the state court system is unknown.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would amend the Civil Practice and Remedies Code to restrict access to pornographic materials on certain websites and to create civil liability for certain actions that allow minors to access pornographic materials.

The bill would require organizations that own Internet websites to have mechanisms for age verification as required by the bill. The bill would provide that an organization may be held liable if the organization does not include a mechanism for age verification. The bill would also provide that a person who uploads pornographic material to an Internet website may be held liable for damages if an individual below the age specified by the bill would access the materials on the website.

The bill would provide for a civil penalty against business who fail to comply with reasonable age verification requirements required by the bill.

Based on the analysis of the Office of Court Administration, the fiscal implications to the state court system cannot be determined because the extent to which caseloads and penalties would increase under the provisions of the bill is unknown.

**Local Government Impact**

The fiscal implications of the bill cannot be determined at this time.

**Source Agencies:**

**LBB Staff:** JMc, SMAT, JPa



**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 18, 2023**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1181** by Shaheen (relating to restricting access to sexual material harmful to minors on an Internet website.), **Committee Report 1st House, Substituted**

The fiscal implications of the bill cannot be determined because the extent to which caseloads would increase in the state court system is unknown.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would amend the Civil Practice and Remedies Code to restrict access to pornographic materials on certain websites and to create civil liability for certain actions that allow minors to access pornographic materials.

The bill would require organizations that own Internet websites to have mechanisms for age verification as required by the bill. The bill would provide that an organization may be held liable if the organization does not include a mechanism for age verification. The bill would also provide that a person who uploads pornographic material to an Internet website may be held liable for damages if an individual below the age specified by the bill would access the materials on the website.

Based on the analysis of the Office of Court Administration, the fiscal implications to the state court system cannot be determined because the extent to which caseloads would increase under the provisions of the bill is unknown.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JMc, KDw, MW, JPa

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 4, 2023**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB1181** by Shaheen (Relating to restricting access to pornographic materials on certain websites and creating civil liability for certain actions that allow children to access pornographic materials.), **As Introduced**

The fiscal implications of the bill cannot be determined because the extent to which caseloads would increase in the state court system is unknown.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would amend the Civil Practice and Remedies Code to restrict access to pornographic materials on certain websites and to create civil liability for certain actions that allow children to access pornographic materials.

The bill would require organizations that own internet websites to have mechanisms for age verification as required by the bill. The bill would provide that an organization may be held liable if the organization does not include a mechanism for age verification. The bill would also provide that a person who uploads pornographic material to an Internet website may be held liable for damages if an individual below the age specified by the bill would access the materials on the website.

Based on the analysis of the Office of Court Administration, the fiscal implications to the state court system cannot be determined because the extent to which caseloads would increase under the provisions of the bill is unknown.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** JMc, KDw, MW, JPa