

## H.R.1865 - Allow States and Victims to Fight Online Sex Trafficking Act of 2017

115th Congress (2017-2018) | [Get alerts](#)

**Sponsor:** [Rep. Wagner, Ann \[R-MO-2\]](#) (Introduced 04/03/2017)

**Committees:** House - Judiciary; Energy and Commerce

**Latest Action:** House - 12/12/2017 Ordered to be Reported (Amended) by Voice Vote. ([All Actions](#))

**Tracker:** **Introduced**   Passed House   Passed Senate   To President   Became Law

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### Summary: H.R.1865 — 115th Congress (2017-2018)

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#### Introduced in House (04/03/2017)

#### Allow States and Victims to Fight Online Sex Trafficking Act of 2017

This bill amends the Communications Act of 1934 to specify that communications decency provisions protecting providers or users of interactive computer services from liability for the private blocking or screening of offensive material shall not be construed to impair the enforcement of, or limit availability of victim restitution or civil remedies under, state or federal criminal or civil laws relating to sexual exploitation of children or sex trafficking.

The bill amends the federal criminal code to specify that the violation for benefiting from "participation in a venture" engaged in sex trafficking of children, or by force, fraud, or coercion, includes knowing or reckless conduct by any person or entity and by any means that furthers or in any way aids or abets the violation.

A provider of an interactive computer service that publishes information provided by an information content provider with reckless disregard that the information is in furtherance of a sex trafficking offense shall be subject to a criminal fine or imprisonment for not more than 20 years.

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There is one version of the bill.

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**Introduced in House (04/03/2017)**

115TH CONGRESS  
1ST SESSION

## H. R. 1865

To amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes.

### IN THE HOUSE OF REPRESENTATIVES

APRIL 3, 2017

Mrs. WAGNER (for herself, Mrs. BEATTY, Mr. SMITH of New Jersey, Ms. CLARKE of New York, Mr. POE of Texas, Mrs. CAROLYN B. MALONEY of New York, Mr. ROYCE of California, Mrs. ROBY, Mr. KINZINGER, and Ms. JENKINS of Kansas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

## A BILL

To amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Allow States and Victims to Fight Online Sex Trafficking Act of 2017”.

## **SEC. 2. FINDINGS.**

Congress finds the following:

(1) Section 230 of the Communications Act of 1934 (47 U.S.C. 230; commonly known as the “Communications Decency Act of 1996”) was never intended to provide legal protection to websites that facilitate traffickers in advertising the sale of unlawful sex acts with sex trafficking victims.

(2) Clarification of such section is warranted to ensure that such section does not provide such protection to such websites.

## **SEC. 3. ENSURING ABILITY TO ENFORCE FEDERAL AND STATE CRIMINAL AND CIVIL LAW RELATING TO SEXUAL EXPLOITATION OF CHILDREN OR SEX TRAFFICKING.**

(a) **IN GENERAL.**—Section 230 of the Communications Act of 1934 (47 U.S.C. 230) is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking “; and” and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(6) to ensure vigorous enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, including through the availability of a civil remedy for victims of sex trafficking.”; and

(2) in subsection (e)—

(A) in paragraph (1)—

(i) by inserting “section 1591 of such title (relating to sex trafficking),” after “title 18, United States Code,”;

(ii) by striking “impair the enforcement of section” and inserting the following: “impair the enforcement of, or limit the availability of victim restitution under—

“(A) section”; and

(iii) by striking “statute.” and inserting the following: “statute; or

“(B) any State criminal statute that prohibits—

“(i) sexual exploitation of children;

“(ii) sex trafficking of children; or

“(iii) sex trafficking by force, threats of force, fraud, or coercion.”;

(B) in the second sentence of paragraph (3), by striking “No cause of action” and inserting “Except as provided in paragraphs (1)(B) and (5)(B), no cause of action”; and

(C) by adding at the end the following:

“(5) NO EFFECT ON CIVIL LAW RELATING TO SEXUAL EXPLOITATION OF CHILDREN OR SEX TRAFFICKING.—Nothing in this section shall be construed to impair the enforcement or limit the application of—

“(A) section 1595 of title 18, United States Code; or

“(B) any other Federal or State law that provides causes of action, restitution, or other civil remedies to victims of—

“(i) sexual exploitation of children;

“(ii) sex trafficking of children; or

“(iii) sex trafficking by force, threats of force, fraud, or coercion.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and the amendment made by subsection (a)(2)(C) (and, to the extent it relates to such amendment, the amendment made by subsection (a)(2)(B)) shall apply regardless of whether the conduct alleged occurred, or is alleged to have occurred, before, on, or after such date of enactment.

#### **SEC. 4. ENSURING FEDERAL LIABILITY FOR PUBLISHING INFORMATION DESIGNED TO FACILITATE SEX TRAFFICKING.**

(a) IN GENERAL.—Section 1591 of title 18, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f);

(2) in subsection (f), as redesignated by paragraph (1), by adding at the end the following:

“(6) “The terms ‘information content provider’ and ‘interactive computer service’ have the meanings given those terms in section 230 of the Communications Act of 1934 (47 U.S.C. 230).”

“(7) The term ‘participation in a venture’ includes knowing or reckless conduct by any person or entity and by any means that furthers or in anyway aids or abets the violation of subsection (a)(1).”; and

(3) by inserting after subsection (d) the following:

“(e)(1) Whoever, being a provider of an interactive computer service, publishes information provided by an information content provider, with reckless disregard that the information provided by the information content provider is in furtherance of an offense under subsection (a) or an attempt to commit such an offense, shall be fined in accordance with this title or imprisoned not more than 20 years, or both.

“(2) Nothing in paragraph (1) shall be construed to require the Federal Government in a prosecution, or a plaintiff in a civil action, to prove any intent on the part of the information content provider.”.

(b) CLERICAL AMENDMENTS.—Such section is further amended by striking “subsection (e)(2)” each place it appears and inserting “subsection (f)(2)”.