

SUBJECT: Creating civil liability relating pornography access on certain websites

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Leach, Davis, Dutton, Julie Johnson, Krause, Middleton, Moody, Schofield, Smith

0 nays

WITNESSES: For — None

Against — (*Registered, but did not testify:* Servando Esparza, TechNet)

BACKGROUND: Concerns have been raised about the access by young people to pornography online, and some have suggested that civil liability for certain actions related to allowing access to pornographic images could help combat this problem.

DIGEST: CSHB 2174 would require organizations that own internet websites, including an organization that owned social media internet websites, to include a mechanism on the website that prevented users from accessing pornographic material on the website unless users verified that they were at least 13 years old. Organizations could be held liable for damages if they did not meet this requirement.

A person who uploaded pornographic material to an internet website could be held liable for damages if an individual younger than 13 years old accessed the material on the website.

The bill would take effect September 1, 2021, and would apply to causes of action that accrued on or after that date.