

HOUSE No. 1626

The Commonwealth of Massachusetts

PRESENTED BY:

Manny Cruz

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act preventing rampant online technological exploitation and criminal trafficking.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>1/17/2025</i>

HOUSE No. 1626

By Representative Cruz of Salem, a petition (accompanied by bill, House, No. 1626) of Manny Cruz relative to preventing rampant online technological exploitation and criminal trafficking and establishing a special commission (including members of the General Court) to examine sentencing for criminal online technological exploitation. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3818 OF 2023-2024.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**
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An Act preventing rampant online technological exploitation and criminal trafficking.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide forthwith certain civil and criminal liability for online technological sexual exploitation, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Laws are hereby amended by inserting after chapter 93L the
2 following chapter:

3 CHAPTER 93M. PROTECTING MINORS FROM HARMFUL PORNOGRAPHIC
4 MATERIALS

5 Section 1. As used in this chapter, the following words shall, unless the context clearly
6 requires otherwise, have the following meanings:-

7 “Interactive computer service”, any information service, system, or access software
8 provider that provides or enables computer access by multiple users to a computer server,
9 including specifically a service or system that provides access to the Internet and such systems
10 operated or services offered by libraries or educational institutions.

11 “Material harmful to minors”, any description or representation of nudity, sexual conduct,
12 sexual excitement, or sadomasochistic abuse when it: (i) appeals to the prurient, shameful or
13 morbid interest of minors; (ii) is patently offensive to prevailing standards in the adult
14 community as a whole with respect to what is suitable material for minors; and (iii) is, when
15 taken as a whole, lacking in serious literary, artistic, political, or scientific value for minors.

16 “Minor”, a person is who is under 18 years of age.

17 “Nudity”, a state of undress so as to expose the human genitals, pubic area or buttocks
18 with less than a full opaque covering, or the showing of the female breast with less than a fully
19 opaque covering of any portion thereof below the top of the nipple, or the depiction of covered or
20 uncovered male genitals in a discernibly turgid state.

21 “Operator”, a person who operates a pornographic internet website.

22 “Pornographic internet website”, an internet website on which the owner of the internet
23 website, for commercial gain, knowingly uploads, or allows others to upload, sexually explicit
24 content that, on an annual basis, exceeds one-third of the contents published on the internet
25 website.

26 “Sexual conduct”, actual or explicitly simulated acts of masturbation, sexual intercourse,
27 or physical contact in an act of apparent sexual stimulation or gratification with a person's
28 clothed or unclothed genitals, pubic area, buttocks, or, if such be female, breast.

29 “Sexually explicit content”, visual imagery of an individual or individuals engaging in an
30 act of masturbation, sexual intercourse, oral copulation, or other overtly sexual conduct that,
31 taken as a whole, lacks serious literary, artistic, political or scientific value.

32 Section 2. An operator shall not knowingly allow a user to upload sexually explicit
33 content to a pornographic internet website unless the user has submitted to the operator:

34 (i) a statement, signed under penalty of perjury, that any individual depicted in the
35 sexually explicit content is at least 18 years of age and has consented to the sexually explicit
36 content being uploaded to the internet; and

37 (ii) information sufficient to enable the operator to contact the user who has or is
38 attempting to upload the sexually explicit content.

39 Section 3. Any operator who knowingly or intentionally publishes or distributes material
40 harmful to minors on a pornographic internet website shall verify that any person attempting to
41 access such material harmful to minors is at least 18 years of age, through the use of: (i) a
42 commercially available database that is regularly used by businesses or governmental entities for
43 the purpose of age and identity verification; or (ii) another commercially reasonable method of
44 age and identity verification.

45 Section 4. (a) An operator who violates section 2 shall be subject to civil liability for
46 damages resulting from the minor's depiction in the sexually explicit content, along with
47 reasonable attorney fees and costs.

48 (b) An operator who violates section 3 shall be subject to civil liability for damages
49 resulting from a minor's access to such material harmful to a minor, along with reasonable
50 attorney fees and costs.

51 Section 5. Nothing in this chapter shall be construed to impose an obligation or liability
52 on a provider or user of an interactive computer service on the internet.

53 SECTION 2. The executive office of public safety and security, the department of
54 elementary and secondary education and the department of higher education shall collaborate to
55 create and implement a public awareness campaign to spread awareness of chapter 93M of the
56 General Laws and the dangers of uploading sexually explicit content unless all persons depicted
57 in such content are at least 18 years of age and have consented to the content being uploaded to
58 the internet.