

By: Senator(s) Williams

To: Judiciary, Division A

## SENATE BILL NO. 2501

1 AN ACT TO PENALIZE CERTAIN ENTITIES THAT KNOWINGLY PUBLISH OR  
2 DISTRIBUTE OBSCENE MATERIAL OR MATERIAL THAT PROMOTES CHILD SEXUAL  
3 EXPLOITATION, OR SELL CHILD SEXUAL EXPLOITATION DEVICES OR IMAGES;  
4 TO DEFINE TERMS; TO PROVIDE THAT ANY COMMERCIAL ENTITY THAT  
5 KNOWINGLY PUBLISHES OR DISTRIBUTES OBSCENE MATERIAL OR MATERIAL  
6 THAT DEPICTS, DESCRIBES, OR PROMOTES CHILD SEXUAL EXPLOITATION, ON  
7 THE INTERNET MAY BE HELD CIVILLY LIABLE; TO PROVIDE A CIVIL  
8 PENALTY AND CIVIL LIABILITY FOR ANY PERSON WHO KNOWINGLY BUYS,  
9 SELLS, DELIVERS, OR DISTRIBUTES ANY CHILD SEXUAL EXPLOITATION  
10 DEVICE OR IMAGE OR POSSESSES SUCH DEVICE OR IMAGE WITH THE INTENT  
11 TO DO SO OR POSSESSES A CHILD SEXUAL EXPLOITATION DEVICE OR IMAGE  
12 THAT HAS BEEN SO BOUGHT, SOLD, DELIVERED, OR DISTRIBUTED; TO  
13 AUTHORIZE THE ATTORNEY GENERAL TO SEEK INJUNCTIVE RELIEF AGAINST A  
14 COMMERCIAL ENTITY THAT VIOLATES THE PROVISIONS OF THIS ACT; TO  
15 REQUIRE THE ATTORNEY TO PROMULGATE RULES AND REGULATIONS; TO  
16 PROVIDE PROCEDURAL PROVISIONS FOR AN ACTION BROUGHT UNDER THIS  
17 ACT; TO EXEMPT CERTAIN ENTITIES FROM THE ACT; TO PROVIDE THAT THE  
18 ACT SHALL BE SEVERABLE; AND FOR RELATED PURPOSES.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

20 **SECTION 1.** As used in this act, the following terms shall  
21 have the meaning herein ascribed:

22 (a) "Child sexual exploitation" shall mean those acts  
23 described in Section 97-5-33.

24 (b) "Child sexual exploitation device or image" means  
25 an anatomically correct mannequin, robot, doll, device or image,



with the features of, or with features that resemble those of, a minor, intended for use in sexual acts.

(c) "Commercial entity" includes corporations, limited liability companies, partnerships, limited partnerships, sole proprietorships, or other legally recognized entities.

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

(e) "Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.

(f) "Obscene material" shall mean material as defined in Section 97-29-103.

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

**SECTION 2.** Any commercial entity that knowingly and intentionally publishes or distributes obscene material, or material that depicts, describes, or promotes child sexual exploitation, on the internet may be held liable to an individual for nominal damages, actual damages, court costs and reasonable attorneys' fees as ordered by the court.

**SECTION 3.** (1) Any person who knowingly:



49 (a) Buys, sells, delivers, or distributes any child  
50 sexual exploitation device or image or possesses such device or  
51 image with the intent to do so; or

52 (b) Possesses a child sexual exploitation device or  
53 image that has been so bought, sold, delivered, or distributed  
54 shall be liable to the state for the payment of a civil penalty  
55 and shall be liable to any child whose image is represented by, or  
56 intended to be represented by, the child sexual exploitation  
57 device or image.

58 (2) The civil penalty provided for in this section shall be  
59 recoverable in an action brought by the Attorney General, a county  
60 attorney or a district attorney, in a sum set by the court of not  
61 more than ten thousand dollars (\$10,000) for each violation.

62 (3) A child's parent or legal guardian may bring an action  
63 against a person described in subsection (1) of this section for  
64 nominal damages, actual damages, punitive damages under Section  
65 11-1-65, court costs and reasonable attorneys' fees as ordered by  
66 the court.

67 **SECTION 4.** (1) The Attorney General may seek injunctive and  
68 other equitable relief against a commercial entity that violates  
69 the provisions of this act.

70 (2) The Attorney General shall promulgate rules or  
71 regulations to assist commercial entities to comply with this act.

72 **SECTION 5.** (1) An individual may assert a violation of this  
73 act as a claim in any judicial or administrative proceeding



without regard to whether the proceeding is brought by or in the name of the government, any private person or any other party.

(2) An action under this act may be commenced and relief may be granted in court regardless of whether the individual commencing the action has sought or exhausted any available administrative remedies.

(3) The remedies available under this act may be imposed without regard to whether the conduct giving rise to the remedy resulted in a criminal conviction.

(4) Sovereign immunity shall not be an affirmative defense in any action pursuant to this act.

(5) A commercial entity that has violated this act in a manner that satisfies the standards for imposition of punitive damages under Section 11-1-65 may be held liable for such damages.

(6) Individual claims that satisfy the generally applicable standards for joinder or class action provided by law or Mississippi rules of court may combine their claims in a single action.

**SECTION 6.** An internet or wireless service provider, affiliate, or subsidiary of an internet or wireless service provider, search engine, or cloud service provider is not in violation of this act for providing access or connection to or from a website or other information or content on the internet, or a facility, system, or network not under that provider's control, including transmissions, downloading, storing, or providing



99 access, to the extent that the provider is not responsible for the  
100 creation of the content of the communication that constitutes  
101 obscene material.

102       **SECTION 7.** This act shall be severable as provided in  
103 Section 1-3-77.

104       **SECTION 8.** This act shall take effect and be in force from  
105 and after July 1, 2025.

