

1 A CONCURRENT RESOLUTION requesting and petitioning the United States  
2 Congress to amend sections of federal law to permit the prosecution of interactive  
3 computer service providers for knowingly facilitating sex trafficking.

4 WHEREAS, the United States Supreme Court in *U.S. v Williams*, 553 U.S. 285,  
5 297 (2008) stated, "Offers to engage in illegal transactions are categorically excluded  
6 from First Amendment protection;" and

7 WHEREAS, advertising that offers sex with victims of sex trafficking is  
8 unprotected by the First Amendment to the United States Constitution, and those who  
9 facilitate such advertising can be held criminally and civilly liable; and

10 WHEREAS, criminologists from Michigan State University and Loyola University  
11 Chicago found that "technology has reshaped the contours of prostitution, with an  
12 estimated 80 percent of all sales of sex now occurring online"; and

13 WHEREAS, in 2015 more than 75 percent of cases identified by the National  
14 Human Trafficking Resource Center as potential cases were related to sex trafficking, and  
15 37 percent of the latter cases involved children; and

16 WHEREAS, the National Center for Missing and Exploited Children (NCMEC)  
17 reported an 846 percent increase from 2010 to 2015 in reports of suspected child sex  
18 trafficking, an increase NCMEC found to be "directly correlated to the increased use of  
19 the Internet to sell children for sex"; and

20 WHEREAS, to reduce online sex sales, federal and state prosecutors must prosecute  
21 not only those who use the Internet to advertise sex with victims of sex trafficking, but  
22 also providers of interactive computer services who facilitate such advertising; and

23 WHEREAS, what now prevents federal prosecutors from doing all in their  
24 constitutional power to curb online sex trafficking is language in 18 U.S.C. sec. 1591,  
25 which exempts from prosecution providers of interactive computer services who accept  
26 payment for carrying ads which knowingly facilitate the crime of sex trafficking; and

27 WHEREAS, what now prevents state prosecutors from doing all in their

1 constitutional power to curb online sex trafficking is language in 47 U.S.C. sec. 230,  
2 which was interpreted by federal courts to immunize from prosecution providers of  
3 interactive computer services who carry ads which knowingly offer sex with victims of  
4 sex trafficking; and

5 WHEREAS, in a letter to members of Congress dated August 16, 2017, and signed  
6 by Attorneys General from 48 states, the National Association of Attorneys General  
7 stated, "[C]ertain federal courts have broadly interpreted the Communications Decency  
8 Act (CDA). . .[S]ome state and local law enforcement agencies have been left powerless  
9 to act against online classified ad services. . .which have constructed their business  
10 models around advertising income gained from participants in the sex trade"; and

11 WHEREAS, what 47 U.S.C. sec. 230 was not intended to provide is immunity from  
12 prosecution under state criminal laws, or blanket protection from civil liability under 18  
13 U.S.C. sec. 1591 or other federal and state laws, for providers of an interactive computer  
14 service who knowingly facilitate the crime of sex trafficking;

15 NOW, THEREFORE,

16 ***Be it resolved by the House of Representatives of the General Assembly of the***  
17 ***Commonwealth of Kentucky, the Senate concurring therein:***

18 ➔Section 1. That the Congress of the United States is respectfully requested to  
19 amend 18 U.S.C. sec. 1591 to permit prosecution of providers of interactive computer  
20 services who knowingly facilitate the crime of sex trafficking.

21 ➔Section 2. That the Congress of the United States is respectfully requested to  
22 amend 47 U.S.C. sec. 230 to clarify that it does not immunize providers of interactive  
23 computer services from state criminal liability, or federal or state civil liability, for  
24 knowingly facilitating the crime of sex trafficking.

25 ➔Section 3. The Clerk of the Senate is directed to transmit a copy of this  
26 Resolution to the Speaker of the United States House of Representatives, the Majority  
27 Leader of the United States Senate, and each member of the Kentucky congressional

1 delegation.