

**Amendment - 1st Reading-white - Requested by: Lola Sheldon-Galloway - (H) Energy,
Technology and Federal Relations**

- 2023

68th Legislature 2023

Drafter: Milly Allen, 406-444-9280

HB0349.001.001

HOUSE BILL NO. 349

INTRODUCED BY L. SHELDON-GALLOWAY, J. SCHILLINGER, B. MITCHELL, T. MOORE, G. KMETZ

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING AN OBSCENITY FILTER BE ENABLED BY
DEFAULT ON ELECTRONIC DEVICES SOLD AND ACTIVATED IN THE STATE; AMENDING SECTION 45-8-
206, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1 through 6] may be cited as the "Children's Default
to Safety Act".

NEW SECTION. Section 2. Definitions. For the purposes of [sections 1 through 6], the following
definitions apply:

(1) "Activate" means the process of powering on an electronic device and associating it with a new
user account.

(2) "Electronic device" means a tablet or a smart phone.

(3) "Internet" has the same meaning as provided in 2-17-551.

(4) "Manufacturer" means a person that is engaged in the business of manufacturing an electronic
device and has a commercial registered agent as defined in 35-7-102 and a patent.

(5) "Obscenity filter" means software installed on an electronic device that is capable of preventing
the electronic device from accessing or displaying obscenity, pursuant to 45-8-201, through the internet or any
applications owned and controlled by the manufacturer and installed on the device.

(6) "Smart phone" means an electronic device that combines a cell phone with a hand-held
computer, typically offering internet access, data storage, text, and e-mail capabilities.

(7) "Tablet" means an electronic device equipped with a mobile operating system, touchscreen
display, and rechargeable battery, typically offering internet access.

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2 NEW SECTION. Section 9. Codification instruction. [Sections 1 through 6] are intended to be
3 codified as an integral part of Title 27, chapter 1 and the provisions of Title 27, chapter 1 apply to [sections 1
4 through 6].

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6 NEW SECTION. Section 10. Applicability. [This act] applies to electronic devices manufactured in
7 or outside the state ~~on or after July 1, 2023,~~ and sold and activated in the state on or after January 1, 2024.

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