

HOUSE BILL NO. 752

INTRODUCED BY L. SCHUBERT, V. RICCI, K. LOVE, R. GREGG, T. MILLETT, D. EMRICH, C. HINKLE, L.

JONES, G. NIKOLAKAKOS, M. NOLAND

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CONTENT PROVIDERS FROM ALLOWING
ACCESS TO CHILD SEXUAL ABUSE MATERIAL IN MONTANA; PROVIDING A VICTIM THE RIGHT TO
BRING AN ACTION; PROVIDING FOR ENFORCEMENT BY THE DEPARTMENT OF JUSTICE; PROVIDING
FOR A PRIVATE RIGHT OF ACTION; PROVIDING A STATUTE OF LIMITATIONS; PROVIDING REMEDIES
AND APPORTIONMENT OF DAMAGES; ~~AND PROVIDING DEFINITIONS;~~ AND PROVIDING A DELAYED
EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 4], unless the context clearly
indicates otherwise, the following definitions apply:

- (1) "Child sexual abuse material" means either:
 - (a) child pornography as defined in 18 U.S.C. 2256; or
 - (b) obscene matter that depicts a minor personally engaging in, or personally simulating, sexually explicit conduct.
- (2) (a) "Content provider" means any person or entity that is responsible, in whole or in part, for the active creation, production, publication, distribution, or storage of content provided through the internet or any other interactive computer service. The term includes but is not limited to a website and software application.
 - (b) The term does not include a portion of business activity that solely provides:
 - (i) hosting services to third parties, which includes server or database hosting; or
 - (ii) a general use browser that retrieves and displays information from an interactive computer service without regard for the substance of the information.
- (3) "Department" means the department of justice provided for in 2-15-2001.
- (4) "Interactive computer service" means any information service, system, or access software

Amendment - 1st Reading-white - Requested by: Lukas Schubert - (H) Judiciary

- 2025

69th Legislature 2025

Drafter: Chanan Brown,

HB0752.001.001

1 **NEW SECTION. Section 7. Effective date.** [This act] is effective January 1, 2026.

2 - END -

AMENDED