

HB

82



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement

CS HB 82 (L&C)

“An Act making certain activity related to commercial electronic mail unlawful and an unfair method of competition or an unfair or deceptive act or practice under the Act enumerating unfair trade practices and consumer protection.”

Under CS HB 82(L&C), individuals are prohibited from sending unsolicited commercial electronic mail that contains explicit sexual material, without the subject line of the communication containing “ADV: ADLT” as the first eight characters.

It is not uncommon to receive unsolicited e-mail messages that contain strong sexual content and hyperlinks to pornographic Web sites. With a commonly used e-mail software (e-mail client software that can display HTML documents), it takes just a single mouse click to be viewing a pornographic Web site. The frustration and annoyance of unsolicited commercial e-mail becomes apparent when the advertisements reach those who have no interest in such material, and when such material reaches children. Age is not a discriminatory factor in who receives electronic advertisements for sexually explicit material.

Publishers, distributors, and adult entertainment business owners are legally forbidden from selling, renting, or displaying explicit sexual material to children in a bookstore or video store. However, the same material is made available on-line through Web sites and unsolicited advertisements sent through e-mail. By requiring those who wish to send unsolicited e-mail with age appropriate material to include in the subject line of the advertisements “ADV:ADLT”, Internet users and parents are provided sufficient information as to the content of an e-mail.

CS HB 82(L&C) is a consumer protection measure. Currently 26 states have laws pertaining to unsolicited commercial e-mail. Nine of the states have the same labeling requirement as proposed in CS HB 82(L&C). CS HB 82(L&C) is not a direct ban on unsolicited commercial electronic mail. This bill will enable Internet users and parents to know exactly what is being sent electronically to them and to their children.

Last Updated: March 14, 2003



REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sectional Analysis

CS HB 82(L&C)

“An Act making certain activity related to commercial electronic mail unlawful and an unfair method of competition or an unfair or deceptive act or practice under the Act enumerating unfair trade practices and consumer protection.”

Section 1: Adds AS 45.50.479 to unlawful acts and practices listed under Unfair Trade Practices and Consumer Protection.

Section 2: Prohibits a person from sending unsolicited commercial electronic to another person from a computer located in this state or to an electronic mail address that the sender knows is held by a resident of this state if the electronic mail contains explicit sexual material, unless the subject line of the electronic mail contains “ADV:ADLT” as the first eight characters; and defines “commercial electronic mail” and unsolicited commercial electronic mail” as it pertains to this section.

List Updated: March 14, 2003

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FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 82(L&C)
(H) Publish Date: 2/14/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title: "An Act making certain activities related to BRU Civil Division
commercial electronic mail unlawful as unfair methods of . . ." Component: Fair Business Practices
Sponsor: Representative Meyer
Requester: House Labor and Commerce Committee Component No.: 2206

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
HB 82 places certain limitations on commercial electronic mail (e-mail) sent to Alaskans. Commercial e-mail would not be allowed if the sender does not have an existing personal or business relationship with the recipient, if the recipient has not granted permission or asked for the e-mail, if the e-mail contains misleading information on the origin or routing of the e-mail, or if the subject line contains misleading information. Finally, the bill prohibits unsolicited commercial e-mail which contains sexually explicit material that other laws require be made available only to persons 18 years or older without the subject line beginning with the characters "ADV:ADLT".

The Department of Law does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson Phone (907) 465-5370
Division: Attorney General's Office Date/Time 2/11/03 9:12 AM
Approved by: Kathryn Daughettee for Gregg D. Renkes, Attorney General Date 2/11/2003
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: CSHB 82 (L&C)
(H) Publish Date: 2/26/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Law
Title: "An Act making certain activity related to BRU: Civil Division
commercial electronic mail unlawful and an unfair method of . . ." Component: Fair Business Practices
Sponsor: Representative Meyer
Requester: House Judiciary Committee Component No.: 2206

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

CSHB 82 (L&C) prohibits unsolicited commercial e-mail sent from a computer in Alaska or to an e-mail address that the sender knows is held by an Alaskan resident which contains sexually explicit material without the subject line beginning with the characters "ADV:ADLT".

The Department of Law does not anticipate a fiscal impact from passage of this legislation.

Prepared by: Joan M. Kasson Phone: (907) 465-5370
Division: Attorney General's Office Date/Time: 2/20/03 3:36 PM
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date: 2/20/2003
Agency: Department of Law

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

Fiscal Note Number: 3
Bill Version: CSHB 92(L&C)
(H) Publish Date: 2/26/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
Title An act making certain activity related BRU AST Detachment
commercial electronic mail unlawful and Component AST Detachment
Sponsor Representative Meyer
Requester House Judiciary Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Lieutenant Matthew Leveque
Division Alaska State Troopers
Approved by: William Tandeske, Commissioner
Agency Department of Public Safety

Phone 907 269-0300
Date/Time 2/19/03 10:58 AM
Date 2/19/2003



Honorable Con Bunde, Chair
Senate Labor and Commerce Committee
Alaska Capital, Room 506
Juneau, AK 99801-1182

March 9, 2003

RE: HB 82 (Meyer) - Support

Dear Chair Bunde:

On behalf of the AARP members in Alaska, we encourage you and your colleagues on the Senate Labor and Commerce Committee to support HB 82, authored by Representative Kevin Meyer and co-sponsored by nine of his House colleagues.

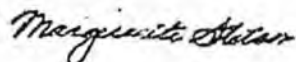
With each year, we find more and more AARP members "on-line" using the Internet for communicating with each other, with children and grandchildren, for business and for enjoyment. With each year, we have also had more complaints about obscene and sexually explicit materials being sent to home computers by unknown entities. We are aware that it is impossible to completely police the Internet and prevent unwanted and unrequested pornography from our homes. HB 82 is, however, a good start to helping computer users become aware of e-mail that they may not wish to open. By including the advisory that the e-mail contains adult content, individuals can simply delete the message without an unwanted "surprise". Nine other states already require this advisory and we understand others are considering it this year. It is time for Alaska to provide this benefit for our citizens.

AARP urges an "A.YE" vote on HB 82.

Should you have any questions about our position, please feel free to contact Marie Darlin (907.586.3637), Coordinator of the AARP Capitol City Task Force; Patrick Luby (907.762.3314), AARP Legislative Representative; or me (907.245.5259).

Thank you for your consideration.

Sincerely,



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cc: Vice-Chair Ralph Seekins
Senator Gary Stevens
Senator Bettye Davis
Senator Hollis French
Representative Kevin Meyer
Marie Darlin
Patrick Luby

**Online Victimization:
A Report on the Nation's Youth**

BY THE **CRIMES AGAINST CHILDREN RESEARCH CENTER**

**DAVID FINKELHOR
KIMBERLY J. MITCHELL
JANIS WOLAK**

JUNE 2000

**FUNDED BY THE U.S. CONGRESS THROUGH A GRANT TO THE
NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN**

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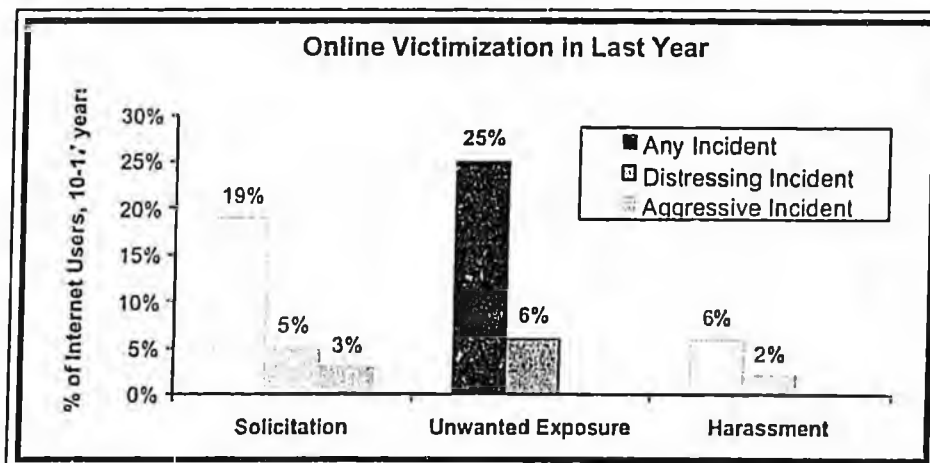
2. Unwanted Exposure to Sexual Material

While it is easy to access pornography on the Internet, what makes the Internet appear particularly risky to many parents is the impression that young people can encounter pornography there inadvertently. It is common to hear stories about children researching school reports or looking up movie stars and finding themselves subjected to offensive depictions or descriptions.

In this part of the survey, we were interested in **unwanted** exposures to sexual material, those that occurred when the youth were not looking for or expecting sexual material. We were interested in material that came up while doing searches online and surfing the world wide web, as well as material that might have appeared when a youth was opening E-mail or clicking on message links. In this section on sexual material, we focus on unwanted exposure to **pictorial images of naked people or people having sex**.

A quarter (25%) of the youth had at least one unwanted exposure to sexual pictures in the last year. (See Figure 2-1 with incidence rates for unwanted exposure to sexual material emphasized.) Seventy-one per cent of these exposures occurred while the youth was searching or surfing the Internet, and 28% happened while opening E-mail or clicking on links in E-mail or Instant Messages.

Figure 2-1



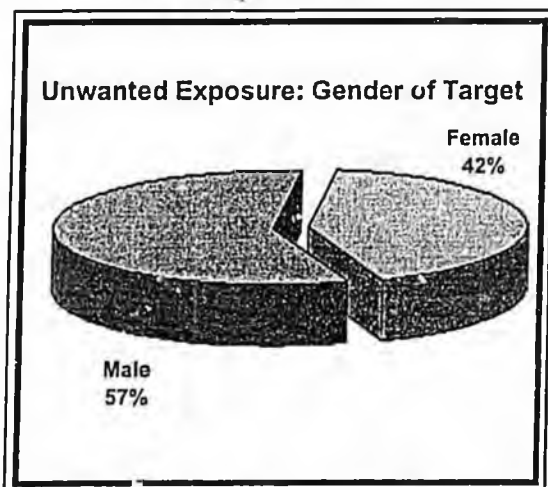
Exposure to sexual material, even when unwanted, is not necessarily upsetting to people. So we have designated a category of **distressing exposures** in which the youth said they found the exposure very or extremely upsetting. Six per cent of regular Internet users said they had a distressing exposure to unwanted sexual pictures on the Internet in the last year.

Which youth had the unwanted exposures?

- Boys outnumbered girls slightly (57% to 42%). (See Figure 2-2.)
- More than 60% of the unwanted exposures occurred to youth 15 years of age or older. (See Figure 2-3.)
- 7% of the unwanted exposures were to 11 and 12 year old youth.
- None of the 10 year olds reported unwanted exposures.

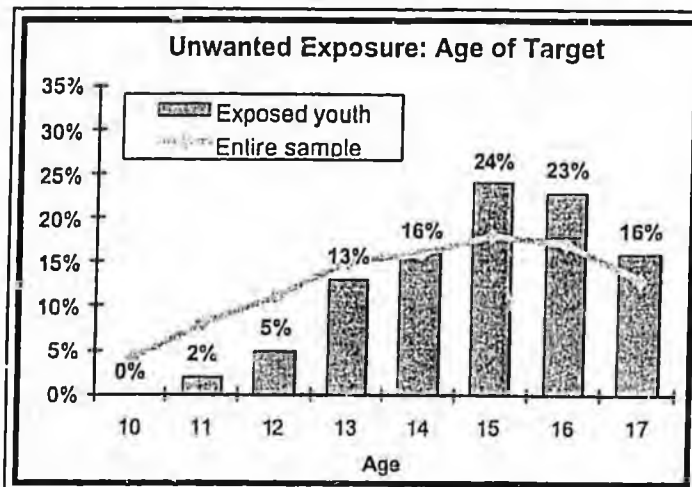
The somewhat greater exposure of boys to unwanted sexual material may reflect the reality that boys tend to allow their curiosity to draw them closer to such encounters. But the relatively small difference should not be over-emphasized. Approximately a quarter of both boys and girls had such exposures. Boys were slightly more likely than girls to say the exposure was distressing.

Figure 2-2



Note: Adds to less than 100% due to rounding and/or missing data.

Figure 2-3



Note: Adds to less than 100% due to rounding and/or missing data.

What was the content and source of the unwanted exposure?

- 94% of the images were of naked persons
- 38% showed people having sex
- 8% involved violence, in addition to nudity and/or sex
- Most of the unwanted exposures (67%) happened at home, but 15% happened at school, and 3% happened in libraries

Unfortunately, we do not know how many of the exposures involved child pornography. Important as this question is, we had decided that our youth respondents could not be reliable informants about the ages of individuals appearing in the pictures they viewed.

For the youth who encountered the material while surfing, it came up as a result of

- Searches (47%)
- Misspelled addresses (17%)
- Links in web sites (17%)

For youth who encountered the material through E-mail

- 63% of unwanted exposures came to an address used solely by the youth
- In 93% of instances, the sender was unknown to the youth

In 17% of all incidents of unwanted exposure, the youth said they did know the site was X-rated before entering. (These were all encounters described as unwanted or unexpected.) This group of episodes was not distinguishable in any fashion from the other 83% of episodes, including the likelihood of

being distressing. Almost half of these incidents (48%) were disclosed to parents. It is not clear to what extent it was some curiosity or just navigational naivete that resulted in the opening of the sites despite prior knowledge of the illicit content.

Pornography sites are also sometimes programmed to make them difficult to exit. In fact, in some sites the exit buttons take a viewer into other sexually explicit sites. In 26% of the incidents where sexual material was encountered while surfing, youth reported they were brought to another sex site when they tried to exit the site they were in. This happened in one third of distressing incidents encountered while surfing.

Testimony From Youth

- An 11-year-old boy and a friend were searching for game sites. They typed in "fun.com," and a pornography site came up.
- A 15-year-old boy looking for information about his family's car typed "escort" into a search engine, and a site about an escort service came up.
- Another 15-year-old boy came across a bestiality site while he was writing a paper about wolves for school. He saw a picture of a woman having sex with a wolf.
- A 16-year-old girl came upon a pornography site when she mistyped "teen.com." She typed "teen" instead.
- A 13-year-old boy who loved wrestling got an E-mail message with a subject line that said it was about wrestling. When he opened the message, it contained pornography.
- A 12-year-old girl received an E-mail message with a subject line that said "Free Beanie Babies." When she opened it, she saw a picture of naked people.

How did the youth respond to the exposure?

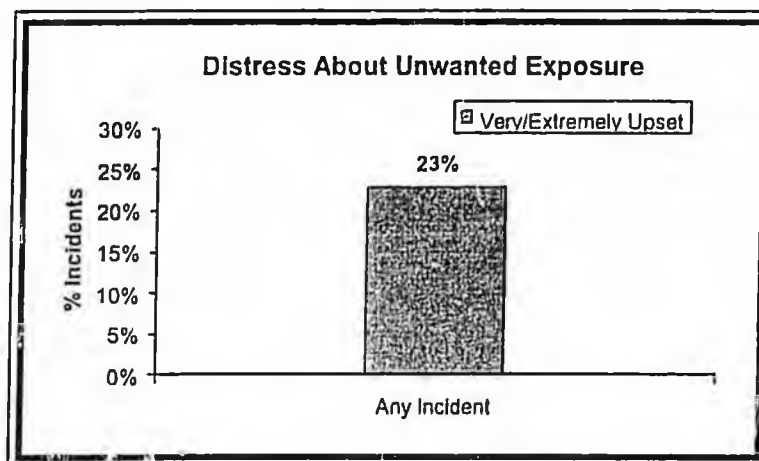
- Parents were told in 39% of the episodes.
- Youth disclosed to no one in 44% of incidents.
- In a few cases authorities were notified, most frequently a teacher or school official (3% of incidents), and Internet service providers (3%). None of these incidents were reported to a law-enforcement agency.
- Only 2% of youth who encountered sexual material while surfing said they returned later to the site of the exposure. None of the youth with distressing exposures who encountered the material while surfing returned to the site.

The fact that so many youth did not mention their exposure to anyone, even a friend, even to laugh or talk about it as an adventure, is noteworthy. It probably reflects some degree of guilt or embarrassment on the part of many youth. It might be healthier and helpful to youth if they were talking about it more.

How did the exposure affect the youth?

- 23% of youth who reported exposure incidents were very or extremely upset by the exposure. This amounts to 6% of the youth we interviewed. (See Figure 2-4.)
- 20% of youth were very or extremely embarrassed.
- 20% reported at least one symptom of stress.

Figure 2-4



Summary

Unwanted exposure to sexual material does appear to be widespread, occurring to a quarter of all youth who used the Internet regularly in the last year. While it is not a new thing for young people to be exposed to sexual material, the degree of sudden and unexpected exposure in an unwanted fashion may be an experience made much more common by the widespread use of the Internet. Such exposure occurs primarily to the group age 15 and older, but some youth as young as 11 had experiences to report. Even in the older group, the exposure does not merely evoke laughs or mild discomfort. About a quarter of the exposed youth, or 6% of all regular Internet users said they were very or extremely upset by an exposure. As with sexual solicitations, most exposure incidents, even the distressing ones, do not get reported to adults or authorities, although a proportion of these are disclosed to friends and siblings.

The experiences conform readily to anecdotal accounts from both youth and adult users. Unwanted exposures mostly occur when doing Internet searches, misspelling addresses, or clicking on links. More than a third of the imagery was of sexual acts, rather than simply naked people, and 8% involved some violence in addition to nudity and/or sex.

From a social-scientific view, the issues about youth exposure to unwanted sexual material are difficult to evaluate, in part, because there is almost no prior research on the matter. No one knows the effects of such exposure. The research on exposure to advertising and media violence makes it clear that media exposure can have effects. Media can affect attitudes, engender fears, and model behaviors (both pro and antisocial).

Previous research on exposure to pornography is not relevant to the many issues of concern here. That research has been done with adults and is based on an assumption of voluntary exposure. The present survey shows that in the case of unwanted exposure there are strong negative, subjective feelings for

certain youth and certain youth who manifest symptoms of stress. We do not know how long these feelings or symptoms last or what ramifications they have, but they should mobilize our concern. Questions that should be of particular interest and need attention for future investigation are

- Do any of youth so exposed have full-fledged, clinical-level traumatic reactions or other highly disturbed reactions?
- Is there any influence, traumatic or otherwise, on developing attitudes and feelings about sex?
- Do youth who have experienced unwanted exposure relate to future Internet sexual material in different ways — either more avoidant or more attracted?
- Do Internet exposures to sexual material figure negatively in family dynamics, creating conflicts or barriers in any way?

Nonetheless, for many people, the issues about youth exposure are even more basic than its effects. Whatever the effects, they would argue that people in general and young people in particular have a right to be free from unwanted intrusion of sexual material in a public forum such as the Internet. On this point, some of the constitutional debate about the Internet has concerned what kind of forum the Internet is. Is it a forum like a bookstore, where if it is signposted, people can readily stay away from the sexually explicit material if they so choose, or more like a television channel, where people are much more captive of the material that is projected at them? Clearly, the Internet has aspects of both. But the present research does suggest that, in its current form, it is not simple for those who want to avoid sexual material on the Internet to do so.

Table 2-1. Unwanted Exposure to Sexual Material (N=1,501)

Individual Characteristics	All Incidents (N=376) 25% of Youth	Distressing Incidents (N=91) 6% of Youth
Age of Youth		
• 10	—	—
• 11	2%	1%
• 12	5%	5%
• 13	13%	21%
• 14	16%	18%
• 15	24%	22%
• 16	23%	15%
• 17	16%	18%
Gender of Youth		
• Male	57%	55%
• Female	42%	45%
Episode Characteristics	All (N=393)	Distressing (N=92)
Location of Computer		
• Home	67%	61%
• School	15%	16%
• Someone Else's Home	13%	16%
• Library	3%	3%
• Some Other Place	2%	3%
Type of Material Youth Saw¹		
• Pictures of Naked Person(s)	94%	92%
• Pictures of People Having Sex	38%	42%
• Pictures That Also Included Violence	8%	9%
How Youth Was Exposed		
• Surfing the Web	71%	72%
• Opening E-mail or Clicking on an E-mail Link	28%	30%
• Youth Could Tell Site Was X-rated Before Entering	17%	12%
Surfing Exposure	All (N=281)	Distressing (N=66)
How Web Site Came Up		
• Link Came Up as Result of Search	47%	36%
• Misspelled Web Address	17%	18%
• Clicked on Link When In Other Site	17%	24%
• Other	15%	18%
• Don't Know	3%	3%
• Youth Has Gone Back to Web Site	2%	—
• Youth Was Taken Into Another X-rated Site When Exiting the First One	26%	33%

E-mail Exposure	All (N=112)	Distressing (N=26)
• Youth Received E-mail at a Personal Address	63%	58%
• E-mail Sender Unknown	93%	96%
Episode Characteristics (Surfing & E-mail)	All (N=393)	Distressing (N=92)
Incident Known or Disclosed to¹		
• Parent	39%	43%
• Friend and/or Sibling	30%	33%
• Another Adult	2%	2%
• Teacher or School Personnel	3%	9%
• ISP/CyberTipline	3%	4%
• Police or Other Authority	—	—
• Someone Else	1%	—
• No One	44%	39
Distress: Very/Extremely		
• Upset	23%	100% ²
Youth With Low Levels of Upset		
	76%	—
Youth Was Very/Extremely Embarrassed		
	20%	48%
Stress Symptoms (more than a little/all the time)^{1,3}		
• At Least One of Following	20%	43%
• Stayed Away From Internet	17%	34%
• Thought About It and Couldn't Stop	6%	16%
• Felt Jumpy or Irritable	2%	7%
• Lost Interest in Things	1%	7%
Presence of 5 or More Depression Symptoms^{4,5}		
	11%	15%

¹Multiple responses possible

²Degree of upset was used to define this category of youth.

³These items were adapted from a psychiatric inventory of stress responses and represent avoidance behaviors, intrusive thoughts, and physical symptoms.

⁴In the entire sample, 8% of youth (N=117) reported 5 or more symptoms of depression.

⁵The values for this category are based on individual characteristics rather than episode characteristics.

Note: Categories that do not add to 100% are due to rounding and/or missing data.

4. Risks and Remedies

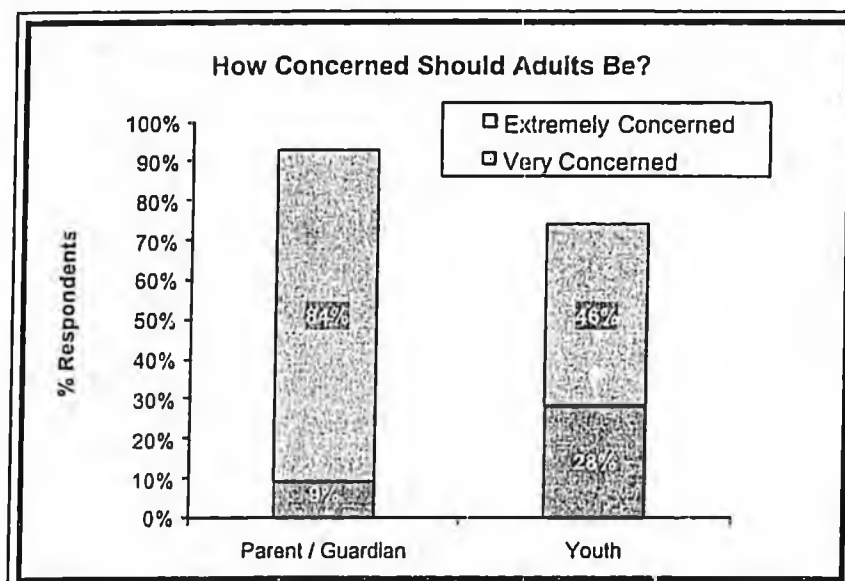
Our lack of knowledge about the dimensions and dynamics of the problems this new technology has created for young people is, of course, a barrier to devising effective solutions. But, even in the absence of knowledge, there has been no dearth of suggestions about things to do. Parents have been urged to supervise their children and talk with them about Internet perils. Youth have been urged to avoid certain risky situations. Organizations have been established to monitor and investigate suspicious episodes. Have any of these remedies been taken to heart?

The survey asked a variety of questions to find out more about the prospects for prevention. We tried to determine to what degree parents are monitoring and advising their children about Internet activities. We asked about the prevalence of Internet activities that may put youth at risk. And we asked about parent and youth knowledge about what remedies or information sources are available for them when they run into problems.

How concerned should adults be about the problem?

Parents and youth both believed that adults should be concerned about the problem of young people being exposed to sexual material on the Internet. As might be expected, parents thought adults should be more concerned than youth thought adults should be, with 84% of parents saying adults should be extremely concerned, compared to only 46% of the youth. (See Figure 4-1.) Some inflation of concern might be expected in a survey with this topic, but other surveys confirm that this is an issue of substantial immediacy for parents and youth.

Figure 4-1



Are parents supervising their children?

Many parents or guardians said they had supervised their child's Internet use in the past year. Most claimed to have talked to youth about such matters as giving out addresses, chatting with strangers, or going to X-rated web sites. Four out of five had rules about specific things the young person was not

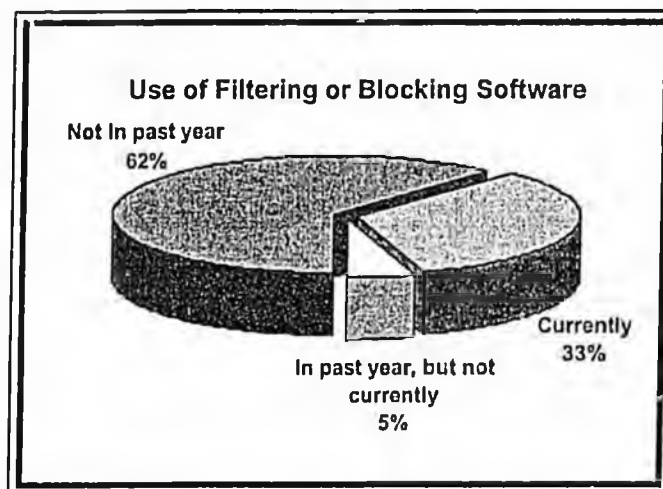
supposed to do online. Approximately four out of five also asked youth about what they did on the Internet. Since many parents might feel guilty about appearing not to have done these things, it is possible that responses to survey interviewers inflate the percentage of parents who have actually supervised their children to this extent. We also did not ask about the details or circumstances of these discussions.

Virtually all parents who had Internet access in their homes said they had looked at the computer screen on occasion to see what their child was doing. At a higher level of supervision that characterized around two-fifths of the households, parents or guardians with home Internet access reported that they checked their child's files or diskettes, required the youth to get permission before going on the Internet, or limited the amount of time the youth could spend online. In approximately three-fifths of households with home Internet access, parents or guardians checked the computer history function to find out where on the Internet the youth had been visiting.

Have families utilized blocking and filtering technology?

Thirty-three percent of households were currently using filtering or blocking software at the time of the interview. (See Figure 4-2.) The most common option used by far is the access control offered by America Online to its subscribers, used by 12% of the households with home Internet access, or 35% of households using filtering or blocking software. Interestingly, another 5% of the households in our sample had used some kind of filtering or blocking software during the past year, but were no longer doing so, suggesting some possible dissatisfaction with its use.

Figure 4-2



Are many youth doing *risky things* on the Internet?

We also asked questions to get a sense of how much risky behavior youth were engaging in, in spite of parental-control efforts. The percentages overall were not very large, but some of these behaviors are sensitive enough that youth may have been less than fully candid.

Only 8% admitted to going voluntarily to X-rated Internet sites. Less than 1% said they had used a credit card without permission. Only 5% had posted a picture of themselves for general viewing. Eleven percent had posted some personal information in a public Internet space, mostly their last name. Twenty-

seven percent of E-mail users had posted their E-mail address in a public place on the Internet, but this may be an underestimate since almost any posting to a bulletin board or signing on to a chat room gives a child's E-mail address this kind of exposure. Of youth who said they talked online with people they did not know in person, 12% had sent a picture to someone they met online, and 7% had willingly talked about sex online with someone they had never met in person.

Among the most common of the potentially risky behaviors was making rude or nasty comments to someone online — practiced in the past year by 14% of youth. A similar number played a joke on or annoyed someone online, mostly friends they already knew. One percent admitted to having harassed someone online.

As a measure of those who may be testing the limits most dramatically or persistently, we asked whether the youth had gotten in trouble for something they did online in the past year. Five percent had been in trouble at home, and 3% of youth who used the Internet at school had been in trouble there for online activities.

Do families and youth know about sources of help?

We noted earlier that relatively few of the Internet episodes reported by youth (solicitation, unwanted exposures to sexual material, or harassment) were reported to official sources. One possibility is that youth and their families are not familiar with places that are interested in or receptive to such reports. Almost a third of parents or guardians said they had heard of places where troublesome Internet episodes could be reported, but only approximately 10% of them could cite a specific name or authority. (See Figure 4-3.) Only 24% of youth stated they had heard of places to report, and only 17% could actually name a place. (See Figure 4-4.) Reporting the episode to an Internet service provider was the option most often thought of. For most of these households, the Internet service provider was America Online.

Figure 4-3

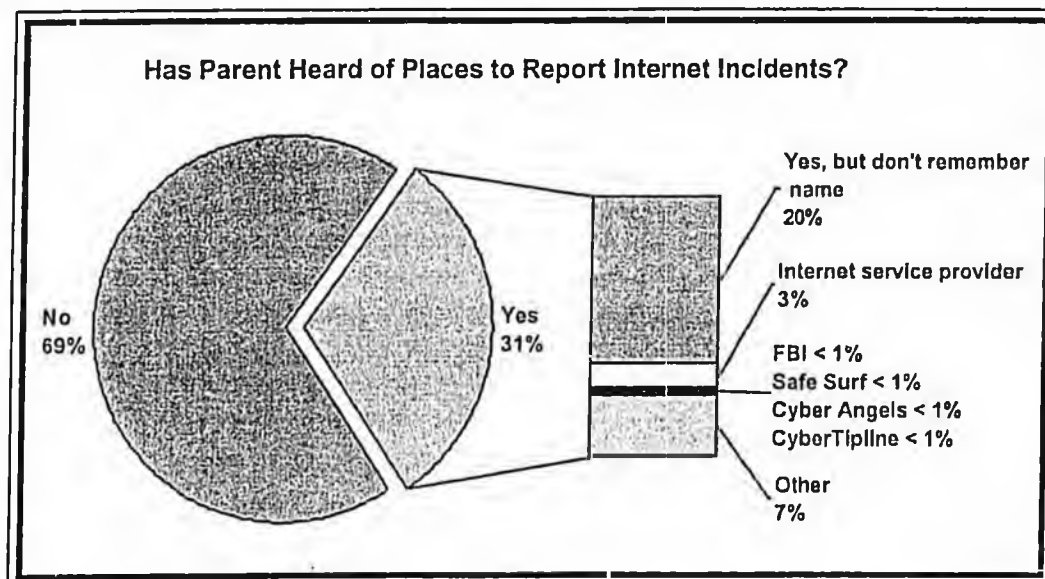
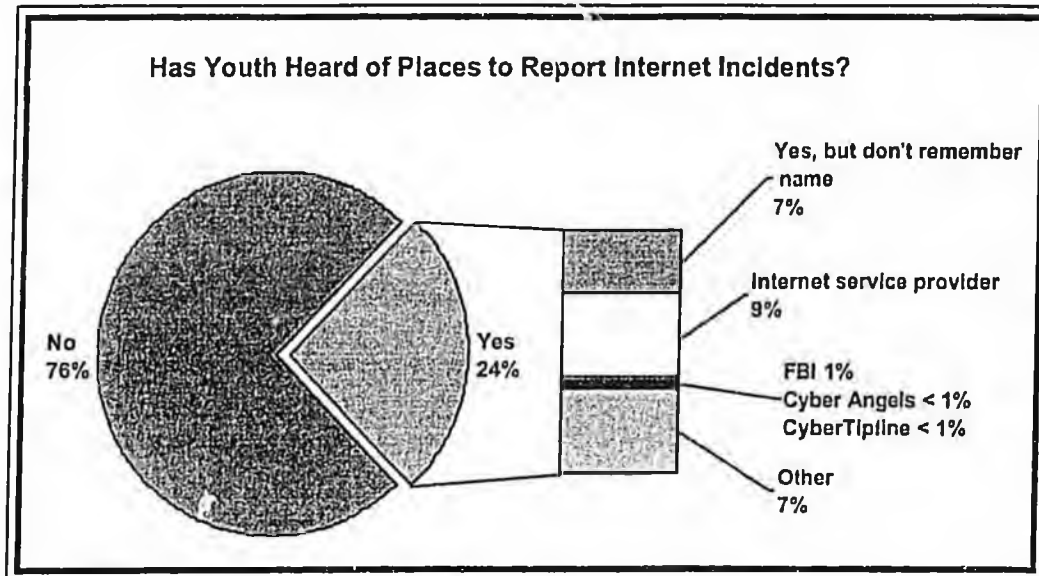


Figure 4-4



Have they heard of the CyberTipline?

Very few of the youth, parents, or guardians could think of the CyberTipline when asked a general question about possible places to report cases. When interviewers said the name "CyberTipline" and asked respondents if they knew about it, larger numbers said they had heard of it, almost 10% of the parents or guardians and 2% of the youth.

Summary

For those concerned about youth Internet safety, there is good and bad news in the survey responses about general Internet practices. While the majority of parents and guardians of Internet users say they supervise their children's online activity, there is a small segment of the population (7%) that does not. Discussions are going on in most households between adults and youth about Internet perils, but it is hard to know how detailed or effective they are. The vast majority of youth, for their part, appear to be playing it safe, and not engaging in risky online behavior. This is generally good news.

The survey, however, reveals notable problems as well. First, there does appear to be a tremendous lack of knowledge about what help sources are available to deal with offensive or disturbing Internet episodes. This may reflect the fact that parents or guardians do not feel they need to know about such sources until something bad happens. But the low level of reporting of incidents suggests that even when bad things happen, people do not make the effort to locate possible help sources. Thus, if the findings point to some area where progress needs to be made, it is in the area of alerting people about possible help sources for problematic Internet encounters.

Secondly, there is a segment of the youth population who are taking risks on the Internet such as engaging in sexual conversations, seeking out X-rated sites, posting pictures of themselves online, or harassing other Internet users. The rates are not high compared to other more conventional risky behavior like using drugs, drinking alcohol, or stealing, but they reflect a new dimension of deviance that needs to be incorporated into a larger understanding of the perils of childhood and addressed in a variety of ways.

Finally, the survey raises questions about the use of filtering and blocking software. Despite the high level of family concern about exposure to sexual material, only a minority of families had adopted the use of any software to address their concern, and some who had adopted it had discontinued its use. This may not reflect a problem. Many parents may be correct in their judgment that discussions with their children and some level of parental monitoring are adequate to manage the problem. But the lack of adoption may also reflect parental doubts about the effectiveness of the available software or a sense that its adoption would create family conflicts that they are reluctant to confront. The findings suggest we need to learn more about actual family concerns about and experiences with filtering and blocking software as a solution to their concerns about Internet safety.

Table 4-1. Parental Supervision of Internet Activities¹

Supervision (in past year)	Parent/Guardian % Yes
Talked With Youth About (N=1,501)²	
• Being Careful About Chatting With Strangers on Internet	85%
• Giving Address/Telephone Number to People Meet on Internet	83%
• Going to X-rated Web Sites or Other X-rated Places	83%
• Talking Online About Very Personal Things (e.g., sex)	77%
• Trying to Meet People Youth Gets to Know on Internet	73%
• Responding to Nasty/Mean Messages	72%
• None of the Above	7%
Look at Screen to See What Youth Is Doing	97%
Rules About Things Youth Is Not Supposed to Do on Internet (N=1,501)	80%
Ask Youth About What He or She Does on Internet (N=1,501)	78%
Check History Function for Sites Youth Has Visited	63%
Check Files and Diskettes	48%
Youth Must Ask Permission to Go on Internet	44%
Rule About Number of Hours Youth Can Spend on Internet	39%

¹N=1,033 unless otherwise stated. These questions were only asked of households with home Internet access.

²Multiple responses possible.

Table 4-2. Risky Online Behavior (N=1,501)

Risky Online Behavior in the Past Year	All Youth % Yes
Youth Went to X-rated Sites on Purpose	8%
Talked About Sex Online With Someone Youth Never Met in Person (N=839) ¹	7%
• Youth Knew He or She Was Talking to an Adult	2%
• Adult Knew He or She Was Talking With a Minor	2%
Used Credit Card Online Without Permission	<1%
Posted Picture of Self for Anyone to See	5%
Sent Picture of Self to Someone Met Online (N=839) ¹	12%
Posted Some Personal Information for All to See	11%
• Posted Last Name	9%
• Posted Telephone Number	1%
• Posted Name of School	3%
• Posted Home Address	2%
Posted E-mail Address for Anyone to See (N=1,143) ²	27%
Made Rude/Nasty Comments to Someone Online	14%
Played Joke or Annoyed Someone Online	14%
• Played Joke/Annoyed Someone Youth Knew	13%
• Played Joke/Annoyed Stranger	2%
Harassed/Embarrassed Someone Youth Was Mad at Online	1%
• Harassed/Embarrassed Stranger	<1%
• Harassed/Embarrassed Someone Youth Knew	1%
Youth Was In Trouble at Home for Something He or She Did Online	5%
Youth Was In Trouble at School for Something He or She Did Online (N=1,100) ³	3%

¹ Only asked of youth who reported talking online with people they didn't know in person.

² Only asked of youth who reported having an E-mail address.

³ Only asked of youth who reported using the Internet at school.

5. Major Findings and Conclusions

By providing more texture and details to our picture of the cyber-hazards facing youth, the national *Youth Internet Safety Survey* has much to contribute to current public-policy discussions about what to do to improve the safety of young people. What follows are some key conclusions based on the important findings from the survey.

1. A large fraction of youth are encountering offensive experiences on the Internet.

The percentage of youth encountering offensive experiences — 19% sexually solicited, 25% exposed to unwanted sexual material, 6% harassed — are figures for one year only. The number of youth encountering such experiences from when they start using the Internet until they are 17, a time which might include five or more years of Internet activity, would certainly be higher.

The level of offensive behavior reported in this survey might be placed in this perspective. Any workplace or commercial establishment where a fifth of all employees or clients were sexually solicited annually would be in serious trouble. What if a quarter of all young visitors to the local supermarket were exposed to unwanted pornography? Would this be tolerated? We consider these levels of offensiveness unacceptable in most contexts. But on the Internet will we simply accept it as the price for this new technology and because it is anonymous? Sadly, the Internet is not always the nice, safe, educational and recreational environment that we might have hoped for our young people.

2. The offenses and offenders are even more diverse than we previously thought.

The problem highlighted in this survey is not just adult males trolling for sex. Much of the offending behavior comes from other youth. There is also a substantial amount from females. The non-sexual offenses are numerous and quite serious too. We need to keep this diversity in mind. Sexual victimization on the Internet should not be the only thing that grabs public attention.

3. Most sexual solicitations fail, but their quantity is potentially alarming.

Based on the results of this study, it appears that several million young people ages 10 through 17 get propositioned on the Internet every year. (See Table 7-2.) If even some small percentage of these encounters results in offline sexual assault or illegal sexual contact — a percentage smaller than we could detect in this survey — it would amount to several thousand incidents. The good news is most young people seem to know what to do to deflect these sexual “come ons.” But there are youth who may be especially vulnerable through lack of knowledge, neediness, disability, or poor judgment. The wholesale solicitation for sex on the Internet is worrisome for that reason.

4. The primary vulnerable population is teenagers.

For solicitations, as well as unwanted exposures to sexual material and harassment, most of the targets were teens, especially teens 14 and older. Thus, it is misleading to say that child molesters are moving from the playground to the living room, trading in their trench coats for digicams, as some have characterized it. Children and teenagers are different victim populations. Pre-teen children use the Internet less, in more

limited ways (Richardson, 1999; Roberts, 1999), and are less independent. It does not appear that much predatory behavior over the Internet involves conventional pedophiles targeting 8-year-old children with their modems, at least not yet. The target population for this Internet victimization is teens, and that makes prevention and intervention a different sort of challenge. Teens do not necessarily listen to what parents and other "authorities" tell them.

5. Sexual material is very intrusive on the Internet.

Large percentages of youth Internet users are exposed to sexual material when they are not looking for it, through largely innocent misspellings and opening E-mail, visiting web sites, and viewing other documents. The sex on the Internet is not segregated and signposted like in a bookstore, and it is not easy to avoid. Some heavy-duty imagery is incredibly easy to stumble upon. Apparently many people do not know this yet. They are inclined to think, "Well, I never see it, so it must be something you only get if you go looking." But youth do not have to be all that active in exploring the Internet to run across sexual material inadvertently.

6. Most youth brush off these offenses, but some are quite distressed.

Most youth are not bothered much by what they encounter on the Internet, but there is an important subgroup of youth who are quite distressed—by the exposure as well as the solicitations and harassment. We cannot assume these are just transient effects. When youth report stress symptoms like intrusive thoughts and physical discomfort, that is a warning sign. Some of this could be the psychological equivalent of a concussion, not a slight bump on the head. It may be hard to predict exactly who will get hurt. It may depend partly on things like age, prior experience—both with the Internet and sexual matters—family attitudes, the degree of surprise, and kind of exposure. Anticipating and trying to respond to negative impacts is something that needs more consideration.

7. Many youth do not tell anyone.

Nearly half of the solicitations were not disclosed to anyone. Some of this non-disclosure is certainly due to embarrassment and guilt. The higher disclosure rates for the non-sexual offenses point to that. Parents are not being informed about a lot of these episodes. They would want to know. And some youth are not even telling their friends. Thus they are not getting a chance to reflect about what happened, process it, and get ideas about how to deal with it and how to put it in perspective. It is somewhat ironic. The Internet is providing places to talk about difficult things, but at the same time, it may be increasing the number of difficult things to talk about.

8. Youth and parents do not report these experiences and do not know where to report them.

Most parents and youth did not know where to report or get help for Internet offenses, and the low rate of reporting for actual offenses confirms this lack of awareness. Even the most serious episodes were rarely reported. The Internet is a new "country" and people do not yet know who the cops or the authorities are. In fact, that seems to be part of the attraction of this territory for many, that there are not obvious cops or authorities. But people need to know how to get help, and people with antisocial tendencies need to know that there are consequences. The choice is not between anarchy and big brother, just as in most societies the choice is not between anarchy and dictatorship.

9. Internet friendships between teens and adults are not uncommon and seem to be mostly benign.

It would make prevention easier if Internet friendships between youth and adults were uniformly sinister, and we could simply say, "Don't do it." But one of the positive things about the Internet is that it allows people of diverse social statuses to congregate around common interests. We want young people to develop their skills and talents. We want them to find mentors. The existence of coaches who molest does not deter parents from signing their kids up for Little League. It will be a similarly complicated challenge to protect kids from dangerous Internet relationships without squelching the positive ones. We need to learn more about the signs and symptoms of potentially exploitative adult-youth relationships, not just on the Internet, but in face-to-face relationships too.

10. We still know little about the incidence of *traveler* cases (where adults or youth travel to physically meet and have sex with someone they first came to know on the Internet), or any completed *Internet seduction* and *Internet sexual exploitation* cases including trafficking in *child pornography*.

We know these very serious victimizations occur. Law-enforcement officials are tracking down an ever-increasing number. A recent unsystematic survey of the FBI, the National Center for Missing & Exploited Children, newspapers, and other law-enforcement sources identified almost 800 cases, confirmed or under investigation, involving adults traveling to or luring youth they first "met" on the Internet for criminal sexual activities (Ruben Rodriguez, National Center for Missing & Exploited Children, personal communication, April 3, 2000).

We did not find any in this survey of 1,501 youth, but that only means these victimizations probably occur below a certain threshold rate. We were unlikely to discover any types of incidents that occurred to fewer than 14,000 youth a year. That is still a large threshold. But it is fair to speculate that these kinds of events are probably not as common as incidents like date rape, conventional stranger sexual assault, or intrafamily sexual abuse — crimes that do tend to show up in surveys of 1,500 youth. So we will have to study these serious Internet cases in some other way, either through a very large survey, like the National Crime Victimization Survey, or through some survey of reported cases.

In the meantime, the findings of this survey should not be interpreted to mean that major law-enforcement initiatives focused on serious Internet crimes against children are misguided. In the last few years, specialized units from the FBI and local law-enforcement agencies have increased their activities on the Internet, often "decoying" themselves as youth to try to catch potential offenders. Given the volume of sexual solicitations and approaches young people are experiencing, the presence and publicity about these decoys is certainly a good thing. It should give potential offenders some pause before they begin their solicitations.

Law-enforcement officials are also active in investigating trafficking in child pornography. Because we judged that our youth interviewees would not be reliable informants about the ages of people appearing in sexual pictures, we have no findings relevant to the problem of child pornography on the Internet. This is nonetheless a problem that has been exacerbated by the Internet, and it is worthy of additional study.

11. Nothing in this survey should dampen enthusiasm about the potential of the Internet.

Youth, families, and educators are currently riding a bandwagon of excitement about the potential of the Internet to bring new kinds of educational, recreational, interpersonal, and even therapeutic possibilities to young people. This survey should not be construed as a signal to slow the wagon down. This survey concerns what is only a small segment of Internet activity and has little to say about its broader potential.

But because the Internet is likely to become so important in our lives, it is crucial to begin to confront its potential problematic aspects as early as possible. When the automobile was first introduced, those who said it was going to kill too many people and pollute the air were dismissed as opposed to progress. The solutions that would have allowed us to have all the benefits of safer and less polluting autos might have come more quickly and at a lower social cost if these concerns had been accepted wholeheartedly from the beginning as worthy chaperones to our courtship of the car. In a similar vein, we can unleash the excitement about the Internet and the creativity it will spawn, while still making a concerted effort to monitor and rein in its potential negative effects. The sooner we start that process the better.

Limitations of the Survey

Every scientific survey has limitations and defects. Readers should keep some of these important things in mind when considering the findings and conclusions of this survey.

- We cannot be certain how candid our respondents were. Although we used widely accepted social-science procedures, our interviews involved telephone conversations with young people on a sensitive subject, factors that could contribute to less than complete candor.
- The young people we did not talk to may be different from the youth we talked to. There were parents who refused to participate or refused to allow us to talk to their children, and there were youth who refused to participate and those we could never reach. Our results might have been different if we had been able to talk to all these people.
- Our numbers are only estimates, and samples can be unusual. Population sampling is intended to produce groups representative of the whole population, but sometimes samples can be randomly skewed. For most of our major findings, statistical techniques suggest that estimates are within 2.5% or less of the true population percentage in 95 out of 100 samples like this one, but there is a small chance that our estimates are farther off than 2.5%.

6. Recommendations

1. **Those concerned about preventing sexual exploitation on the Internet need to talk specifically in their materials about the diversity of hazards including threats from youthful and female offenders.**

A stereotype of the adult Internet "predator" or "pedophile" has come to dominate much of the discussion of Internet victimization. While such figures exist and may be among the most dangerous of Internet threats, this survey has revealed a more diverse array of individuals who are making offensive and potentially exploitative online overtures. We should not ignore them. We have to remember that in a previous generation, campaigns to prevent child molestation characterized the threat as "playground predators" so that for years the problem of youth, acquaintance, and intra-family perpetrators went unrecognized. Today, those doing prevention work concerning the Internet need to be careful not to make, consciously or inadvertently, a characterization of the threat that fails to encompass all its forms. One of the reasons for the mistaken characterization of child molesters in an earlier era was that people extrapolated the problem entirely from what came to the attention of law-enforcement officials. A similar process could be underway in the case of Internet victimization, but it is probably early enough to reverse the trend. Thus we need to publicize the full variety of Internet offensive behavior.

2. **Prevention planners and law-enforcement officials need to address the problem of non-sexual, as well as sexual victimization on the Internet.**

An additional problem with the "Internet predator" stereotype just mentioned is that it does not give enough focus to non-sexual forms of Internet victimization. The current survey shows that non-sexual threats and harassment constitute another common peril for youth that can be as, or more, distressing than sexual overtures. Experience in crime prevention has shown that concerns about sexual threats often eclipse other equivalently serious crime. Concerted efforts should be made to ensure that non-sexual threats and harassment are included on educational, legislative, and law-enforcement agendas for Internet safety.

3. **More of the Internet-using public needs to know about the existence of help sources for Internet offenses, and the reporting of offensive Internet behavior needs to be made even easier, more immediate, and more important to youth Internet users.**

Multiple strategies are needed to increase reporting. The Internet-using public needs to be made aware of reporting options in as many ways as possible, through the Internet as well as through other media. The public also needs to be briefed on the reasons why they should make such reports including the importance of keeping the Internet a safe and enjoyable place for everyone to use. The Smokey the Bear and McGruff the Crime Dog campaigns come to mind as approaches to emulate. People often balk at being tattle-tales, but vigilance by individuals and community involvement have been traditional keys to community safety.

In reaching out to the public and Internet users on this issue of reporting, our survey suggests that Internet service providers are in a key position to help. They are the most recognized avenue for reporting. So it may make sense for them to become even more visible and pro-active on this front. What else can be done? Can chat rooms be urged to consider how to make the monitoring and reporting of offensive behavior easier and more acceptable? The Internet needs its own neighborhood crime-watch posters and more.

4. Different prevention and intervention strategies need to be developed for youth of different ages.

Most of the encounters reported to our survey occurred to teenagers, specifically older teens. The messages that will make sense and be taken seriously by this group and their parents are quite different from those that make sense for younger youth. This is a different problem from conventional child molestation, where we were trying to target and protect 7 to 13 year olds. Older teens have more independence, more experience, and a different relationship with adults and their families. For example, telling parents to regularly check the Internet and E-mail activity of older teens may be tantamount to saying parents should read their mail, and such privacy invasions will seem unrealistic in many families.

Too much of the discussion about Internet safety to date has been between policy makers and parents, without consultation from young people themselves. Policies crafted from such an adults-only discussion may be rejected, especially by older youth, because the policies may be seen as an effort to control rather than protect. Good protection strategies, especially for the teen group, cannot be heavy on the control dimension and need to be tied to youth aspirations, values, and culture. That requires the input of youth. If young people are becoming millionaires with their Internet ingenuity, it is likely that some of that creativity could hit the jackpot in the field of Internet safety as well. It is time to involve a cadre of young people in the development of Internet victimization prevention and intervention in order to craft messages to which youth will be receptive.

5. Youth need to be mobilized in a campaign to help "clean up" the standards of Internet behavior and take responsibility for youth-oriented parts of the Internet.

Like face-to-face sexual offenses, which run the gamut from harassment to rape, Internet sexual offenses cover a spectrum of behaviors. The less serious end of the spectrum should not be ignored, since it can be the fertile soil in which more serious offenses grow. The experience of those trying to prevent real-world sexual harassment has been that campaigns, particularly campaigns involving whole schools, can be successful, if they raise awareness about the problem and its effects, and help youth themselves enforce proper conduct among their peers. Such youth-oriented campaigns might have some success with at least some forms of Internet victimization as well, and they may be worth a try.

6. We need to train mental health, school, and family counselors about these new Internet hazards and how these hazards contribute to personal distress and other psychological and interpersonal problems.

This survey reveals that substantial numbers of young people do experience distress because of Internet encounters. And they are not getting help. Mental health and other counselors need to learn to be alert and ask questions to get young people to talk about such encounters. They need to know how young people use the Internet, so they can understand their problems. They need to be trained to treat the kinds of distress and conflicts that are connected with negative Internet experiences. We need educational packages for schools and all kinds of youth workers for their own professional development and to use with youth. Unfortunately, at the training conferences being offered today, most of the Internet education seems directed at law-enforcement officials. We need to develop workshops for educators, psychologists, and social workers as well.

Sec. 45.50.471. Unlawful acts and practices

(a) Unfair methods of competition and unfair or deceptive acts or practices in the conduct of trade or commerce are declared to be unlawful.

(b) The terms "unfair methods of competition" and "unfair or deceptive acts or practices" include, but are not limited to, the following acts:

- (1) fraudulently conveying or transferring goods or services by representing them to be those of another;
- (2) falsely representing or designating the geographic origin of goods or services;
- (3) causing a likelihood of confusion or misunderstanding as to the source, sponsorship, or approval, or another person's affiliation, connection, or association with or certification of goods or services;
- (4) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have;
- (5) representing that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, secondhand, or seconds;
- (6) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (7) disparaging the goods, services, or business of another by false or misleading representation of fact;
- (8) advertising goods or services with intent not to sell them as advertised;
- (9) advertising goods or services with intent not to supply reasonable expectable public demand, unless the advertisement prominently discloses a limitation of quantity;
- (10) making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;
- (11) engaging in any other conduct creating a likelihood of confusion or of misunderstanding and which misleads, deceives or damages a buyer or a competitor in connection with the sale or advertisement of goods or services;
- (12) using or employing deception, fraud, false pretense, false promise, misrepresentation, or knowingly concealing, suppressing, or omitting a material fact with intent that others rely upon the concealment, suppression or omission in connection with the sale or advertisement of goods or services whether or not a person has in fact been misled, deceived or damaged;

- (13) failing to deliver to the customer at the time of an installment sale of goods or services, a written order, contract, or receipt setting out the name and address of the seller and the name and address of the organization that the seller represents, and all of the terms and conditions of the sale, including a description of the goods or services, which shall be stated in readable, clear, and unambiguous language;
- (14) representing that an agreement confers or involves rights, remedies or obligations which it does not confer or involve, or which are prohibited by law;
- (15) knowingly making false or misleading statements concerning the need for parts, replacement, or repair service;
- (16) misrepresenting the authority of a salesman, representative or agent to negotiate the final terms of a consumer transaction;
- (17) basing a charge for repair in whole or in part on a guaranty or warranty rather than on the actual value of the actual repairs made or work to be performed on the item without stating separately the charges for the work and the charge for the guaranty or warranty, if any;
- (18) disconnecting, turning back or resetting the odometer of a vehicle to reduce the number of miles indicated;
- (19) using a chain referral sales plan by inducing or attempting to induce a consumer to enter into a contract by offering a rebate, discount, commission, or other consideration, contingent upon the happening of a future event, on the condition that the consumer either sells, or gives information or assistance for the purpose of leading to a sale by the seller of the same or related goods;
- (20) selling or offering to sell a right of participation in a chain distributor scheme;
- (21) selling, falsely representing or advertising meat, fish or poultry which has been frozen as fresh food;
- (22) failing to comply with AS 45.02.350 ;
- (23) failing to comply with AS 45.45.130 - 45.45.240;
- (24) counseling, consulting or arranging for future services relating to the disposition of a body upon death whereby certain personal property, not including cemetery lots and markers, will be furnished or the professional services of a funeral director or embalmer will be furnished, unless the person receiving money or property deposits the money or property, and money or property is received, within five days of its receipt, in a trust in a financial institution whose deposits are insured by an instrumentality of the federal government designating the institution as the trustee as a separate trust in the name only of the person on whose behalf the arrangements are made with a provision that the money or property may only be applied to the purchase of designated merchandise or

services and should the money or property deposited and any accrued interest not be used for the purposes intended on the death of the person on whose behalf the arrangements are made, all money or property in the trust shall become part of that person's estate; upon demand by the person on whose behalf the arrangements are made, all money or property in the trust including accrued interest, shall be paid to that person; this paragraph does not prohibit the charging of a separate fee for consultation, counseling or arrangement services if the fee is disclosed to the person making the arrangement; any arrangement under this paragraph which would constitute a contract of insurance under AS 21 is subject to the provisions of AS 21;

(25) failing to comply with the terms of AS 45.50.800 - 45.50.850 (Alaska Gasoline Products Leasing Act);

(26) failing to comply with AS 45.30 relating to mobile home warranties and mobile home parks;

(27) failing to comply with AS 14.48.060 (b)(13);

(28) dealing in hearing aids and failing to comply with AS 08.55;

(29) violating AS 45.45.910 (a), (b), or (c);

(30) failing to comply with AS 45.50.473 ;

(31) violating the provisions of AS 45.45.400 ;

(32) knowingly selling a reproduction of a piece of art or handicraft that was made by a resident of the state unless the reproduction is clearly labeled as a reproduction; in this paragraph, "reproduction" means a copy of an original if the copy is

(A) substantially the same as the original; and

(B) not made by the person who made the original;

(33) violating AS 08.66 (motor vehicle dealers);

(34) violating AS 08.66.200 - 08.66.350 (motor vehicle buyers' agents);

(35) violating AS 45.63 (telephonic solicitations);

(36) violating AS 45.68 (charitable solicitations);

(37) violating AS 45.50.474 (on board promotions);

(38) referring a person to a dentist or a dental practice that has paid or will pay a fee for the referral unless the person making the referral discloses at the time the referral is made that the dentist or dental practice has paid or will pay a fee based on the referral;

(39) advertising that a person can receive a referral to a dentist or a dental practice without disclosing in the advertising that the dentist or dental practice to which the person is referred has paid or will pay a fee based on the referral if, in fact, the dentist or dental practice to which the person is referred has paid or will pay a fee based on the referral;

(40) violating AS 45.50.477 (a) - (c);

(41) failing to comply with AS 45.50.475 ;

(42) violating AS 45.35 (lease-purchase agreements);

(43) violating AS 45.25.400 - 45.25.590 (motor vehicle dealer practices);

(44) violating AS 45.66 (sale of business opportunities).

Sec. 11.41.455. Unlawful exploitation of a minor

(a) A person commits the crime of unlawful exploitation of a minor if, in the state and with the intent of producing a live performance, film, audio, video, electronic, or electromagnetic recording, photograph, negative, slide, book, newspaper, magazine, or other material that visually or aurally depicts the conduct listed in (1) - (7) of this subsection, the person knowingly induces or employs a child under 18 years of age to engage in, or photographs, films, records, or televises a child under 18 years of age engaged in, the following actual or simulated conduct:

- (1) sexual penetration;
- (2) the lewd touching of another person's genitals, anus, or breast;
- (3) the lewd touching by another person of the child's genitals, anus, or breast;
- (4) masturbation;
- (5) bestiality;
- (6) the lewd exhibition of the child's genitals; or
- (7) sexual masochism or sadism.

Sec. 45.50.495. Investigative power of attorney general

(a) If the attorney general has cause to believe that a person has engaged in, is engaging in, or is about to engage in a deceptive trade practice under AS 45.50.471 , the attorney general may

(1) request the person to file a statement or report in writing, under oath, on forms prescribed by the attorney general, setting out all facts and circumstances concerning the sale or advertisement of property by the person, and other information considered necessary;

(2) examine under oath any person in connection with the sale or advertisement of property;

(3) examine property or sample of the property, record, book, document, account, or paper that the attorney general considers necessary;

(4) make true copies of records, books, documents, accounts, or papers examined under (3) of this subsection, which may be offered in evidence in place of the originals in actions brought under AS 45.50.471 - 45.50.561; and

(5) under an order of the superior court, impound samples of property that are material to the investigation and retain the sample until proceedings undertaken under AS 45.50.471 - 45.50.561 are completed.

(b) The attorney general, in addition to other powers conferred by this section, may issue subpoenas to require the attendance of witnesses or the production of documents or other physical evidence, administer oaths, and conduct hearings to aid an investigation or inquiry. Service of an order or subpoena shall be made in the same manner as a summons in a civil action in the superior court.

Sec. 45.50.501. Restraining prohibited acts

(a) When the attorney general has reason to believe that a person has used, is using, or is about to use an act or practice declared unlawful in AS 45.50.471 , and that proceedings would be in the public interest, the attorney general may bring an action in the name of the state against the person to restrain by injunction the use of the act or practice. The action may be brought in the superior court in the judicial district in which the person resides or is doing business or has the person's principal place of business in the state, or, with the consent of the parties, in any other judicial district in the state.

(b) The court may make additional orders or judgments that are necessary to restore to any person in interest any money or property, real or personal, which may have been acquired by means of an act or practice declared to be unlawful by AS 45.50.471 .

Sec. 45.50.511. Assurances of voluntary compliance

In the administration of AS 45.50.471 - 45.50.561, the attorney general may accept an assurance of voluntary compliance with respect to any act or practice considered to be

violative of AS 45.50.471 - 45.50.561 from a person who has engaged or was about to engage in such an act or practice. The assurance shall be in writing and shall be filed with and is subject to the approval of the superior court in the judicial district in which the alleged violator resides or is doing business or has the principal place of business in the state. The assurance of voluntary compliance is not considered an admission of violation for any purpose. Matters closed in this way may at any time be reopened by the attorney general for further proceedings in the public interest, under AS 45.50.501 .

Sec. 45.50.521. When information and evidence confidential and nonadmissible

(a) [Repealed by Sec. 6 ch 53 SLA 1974].

(b) Subject to the provisions of AS 45.50.501 (a), the attorney general may not make public the name of a person alleged to have committed an act or practice declared unlawful in AS 45.50.471 during an investigation conducted by the attorney general under AS 45.50.471 - 45.50.561, nor are the records of investigation or intelligence information of the attorney general obtained under AS 45.50.471 - 45.50.561 considered public records available for inspection by the general public. However, the attorney general is not prevented from issuing public statements describing or warning of a course of conduct or a conspiracy that constitutes or will constitute an unlawful act or practice, whether on a local, state, regional, or national basis.

Sec. 45.50.531. Private and class actions

(a) A person who suffers an ascertainable loss of money or property as a result of another person's act or practice declared unlawful by AS 45.50.471 may bring a civil action to recover for each unlawful act or practice three times the actual damages or \$500, whichever is greater. The court may provide other relief it considers necessary and proper. Nothing in this subsection prevents a person who brings an action under this subsection from pursuing other remedies available under other law, including common law.

(b) [Repealed, Sec. 4 ch 31 SLA 1987].

(c) Upon commencement of an action brought under this section the clerk of the court shall mail a copy of the complaint or other initial pleading to the attorney general and, upon entry of an order or judgment in the action, shall mail a copy of the order or judgment to the attorney general.

(d) [Repealed, Sec. 4 ch 31 SLA 1987].

(e) A permanent injunction or final judgment against a person against whom an action was initiated under AS 45.50.501 is prima facie evidence in an action brought under this section that the person used or employed an act or practice declared unlawful by AS 45.50.471 .

(f) A person may not commence an action under this section more than two years after the person discovers or reasonably should have discovered that the loss resulted from an act or practice declared unlawful by AS 45.50.471 .

(g) [Repealed, Sec. 6 ch 96 SLA 1998].

(h) If the basis for the action is the fault of the manufacturer or supplier of the merchandise, the manufacturer or supplier who is at fault is liable for the damages awarded against the retailer under this section.

(i) If a person receives an award of punitive damages under (a) of this section, the court shall require that 50 percent of the award be deposited into the general fund of the state under AS 09.17.020 (j). This subsection does not grant the state the right to file or join a civil action to recover punitive damages.

Sec. 45.50.535. Private injunctive relief

(a) Subject to (b) of this section and in addition to any right to bring an action under AS 45.50.531 or other law, any person who was the victim of the unlawful act, whether or not the person suffered actual damages, may bring an action to obtain an injunction prohibiting a seller or lessor from continuing to engage in an act or practice declared unlawful under AS 45.50.471 .

(b) A person may not bring an action under (a) of this section unless

(1) the person first provides written notice to the seller or lessor who engaged in the unlawful act or practice that the person will seek an injunction against the seller or lessor if the seller or lessor fails to promptly stop the unlawful act or practice; and

(2) the seller or lessor fails to promptly stop the unlawful act or practice after receiving the notice.