



Child Online Safety Act

SOUTH CAROLINA H3424

TO AMEND THE SOUTH
CAROLINA CODE OF
LAWS BY ADDING
SECTION 39-5-190 SO AS
TO PROVIDE
DEFINITIONS, TO PROVIDE
THAT IT IS UNLAWFUL
FOR AN OPERATOR TO
MAKE A PORNOGRAPHIC
WEBSITE AVAILABLE TO
PERSONS UNDER THE AGE
OF EIGHTEEN, TO
PROVIDE THAT THE
ATTORNEY GENERAL
SHALL CREATE CERTAIN
PROCEDURES, AND TO
PROVIDE FOR A PRIVATE
RIGHT OF ACTION.

H3424

Key Points

Company Liability

Knowingly and Intentionally publishes obscene material.

Promotes CSAM or Sexual Exploitation

Only Minor or Legal Guardian may seek action for damages resulting from minor's accessing material. Class Action may combine their claims

AG may seek injunctive or other equitable relief against entity that fails to comply with provisions.

Company Responsibility

Perform reasonable Age Verification (IEMI). (Most are going to drop down boxes)

Does not apply to bona fide news, Public interest broadcast, Website video, report or event and may not be construed to affect the rights of a news-gathering organization unless the organization's website contains a substantial portion of material harmful to minors.

Company cannot knowingly retain identifying information after access has been granted

Who is not responsible

ISP, affiliate or subsidiary of ISP, Search engine or cloud service be held liable.

Companies that don't have a large amount of adult content (What about social media)

If Company Provides reasonable Age Verification

Does not include morphed images

Why do we need laws on State Level regarding Online Safety

- ▶ Age that children are exposed to Pornography⁽¹⁾
 - ▶ 10% of young adults have seen pornography before age 9
 - ▶ 27% before age 11
 - ▶ 50% by age 13
- ▶ Most common site where children seen Pornography⁽¹⁾
 - ▶ X (formerly Twitter) 41%, Adult sites 37%, Instagram 33%
- ▶ 79% encountered Violent Pornography before age 18

2022 Government Commissioned review study from focus group of 1,000 young people aged 16-21

How does exposure to pornography in childhood affect mental health?

- ▶ Elementary Age
 - ▶ Lower Self Esteem
 - ▶ Feelings of confusion, guilt, anxiety and sexual uncertainty
 - ▶ Problem sexual behaviors (PSB)
- ▶ Middle & High School Age Outcomes
 - ▶ Escapism
 - ▶ Delinquency
 - ▶ Assault, Violence, and Sexual scripts
- ▶ Young Adulthood
 - ▶ Depression, anxiety, stress, and loneliness
 - ▶ Relationship problems
 - ▶ Sexually risky behaviors

2022 Government Commissioned review study from focus group of 1,000 young people aged 16-21

Sextortion or Sexual Exploitation

Sextortion is when an online predator tricks someone into giving them nude images or videos, and then demands money, more images, or makes other demands—threatening to share the images with the victim's friends and family if they don't comply.

Definition from Merriam-Webster

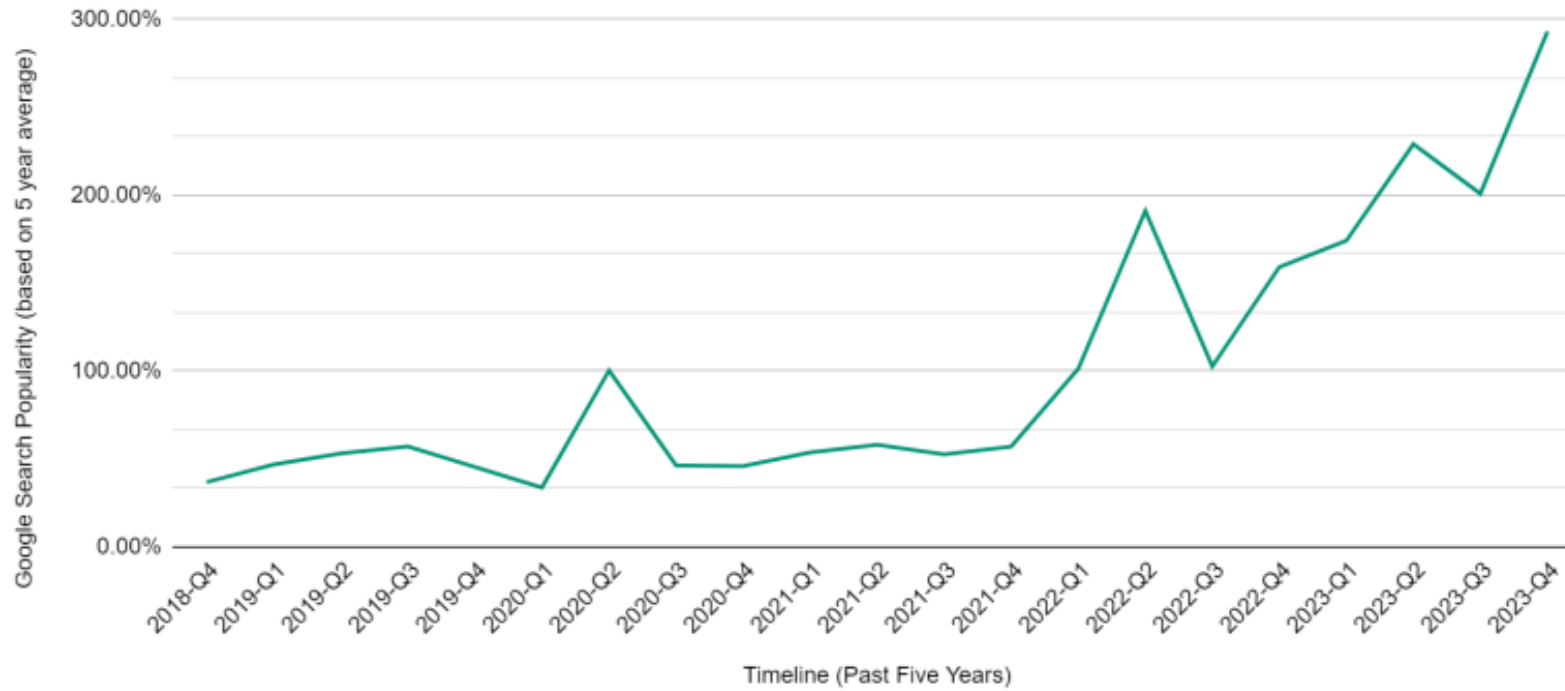


Gavin's Law - Sextortion

- ▶ July 27, 2022 – I lost my 17-yr old son to Sextortion
- ▶ Aug 18, 2022 – Contacted by Sextortionist in attempt to extort me saying “Did I tell you your son begged for his life”
- ▶ April 27, 2023 – Passed House unanimously and required Dept of Education to Educate all Students on Gavins Law in SC (107-0)
- ▶ May 11, 2023 – Passed Senate unanimously and officially amended as Gavins Law (43-0) Roll of Senate added to Amendment
- ▶ May 18, 2023 – Gavin's Law signed into Law
- ▶ Sept 29, 2023 – 14yr old teen charged for Sextortion using AI images of classmate (only AI case I'm aware of in SC)
- ▶ Nov 13, 2023 – Speaker forms Committee on AI / Cybersecurity
- ▶ Feb 2023 – After going through son's phone which had parental controls, I found 2 accounts on X that were full pornography



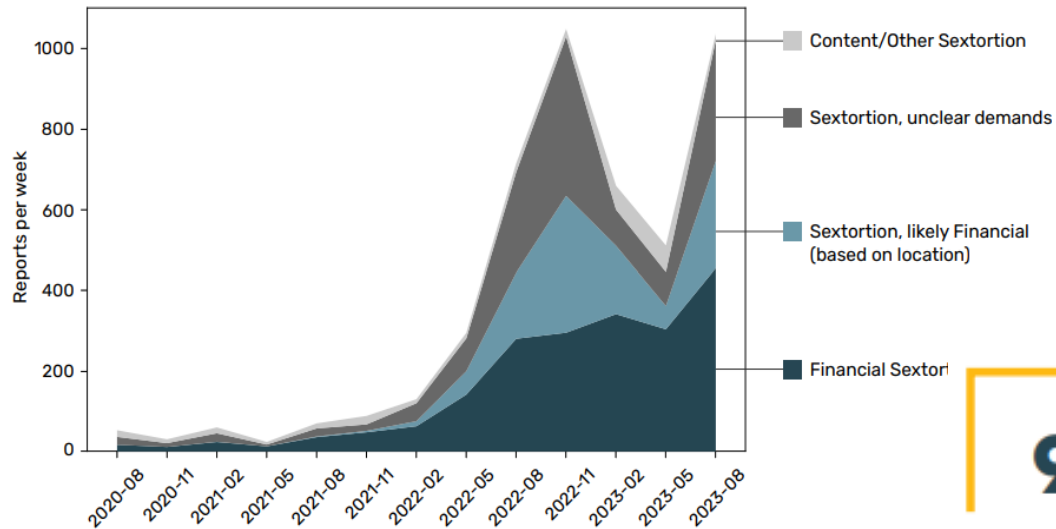
Google Searches on Sextortion (United States)



The staggering amount of Google searches related to sextortion is largely driven by new victims seeking help for their situation. Closely related search queries by similar users include “how to delete Instagram account” and “how to report sextortion”.²⁷

▶ NCMEC: 139 cases in 2021
→ 26,000 cases by 2023

Fig 2a | Sextortion demands over time
Reports per week, split by the demands of the perpetrator



556

financial sextortion reports per week (explicitly or likely financial), over the last year of estimates.

90%

of victims were males between 14 and 17, of reports submitted to NCMEC public sources that had age and gender data.

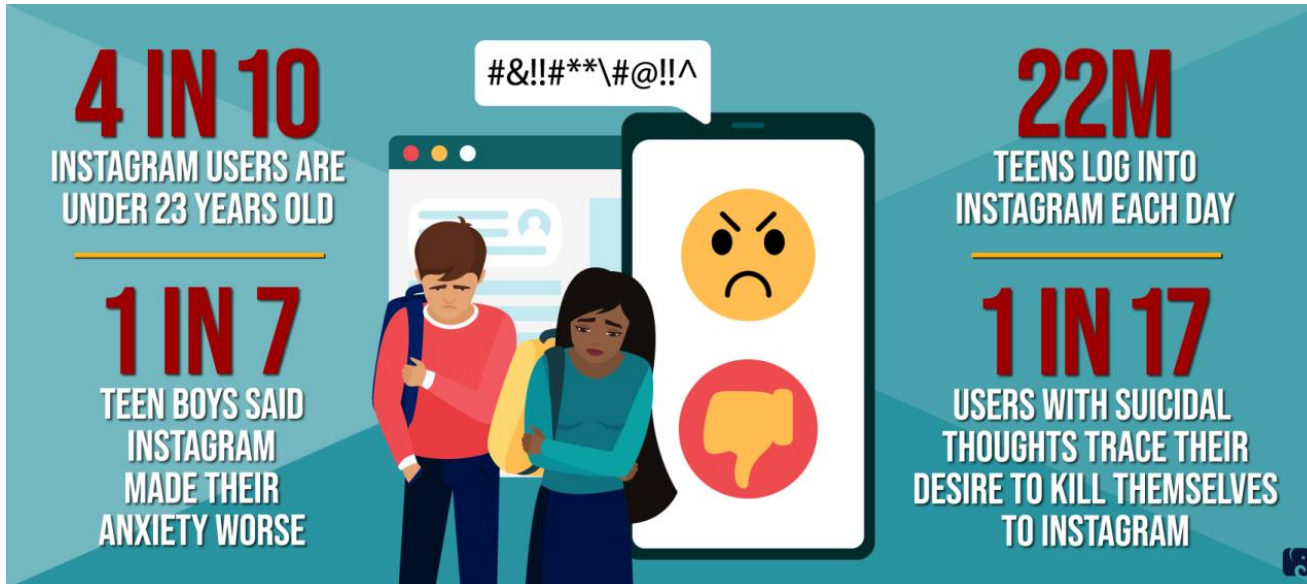


META DELETES 63,000 INSTAGRAM 'SEXTORTION' ACCOUNTS FROM NIGERIA



Takeaways

- Financial sextortion is a borderless crime, fueled in recent years by the increased activity of Yahoo Boys, loosely organized cybercriminals operating largely out of Nigeria that specialize in different types of scams.
- We've removed around 63,000 Instagram accounts in Nigeria attempting to target people with financial sextortion scams, including a coordinated network of around 2,500 accounts.
- We've also removed a set of Facebook accounts, Pages and Groups run by Yahoo Boys – banned under our Dangerous Organizations and Individuals policy – that were attempting to organize, recruit and train new scammers.



39
Teens (publicly) have committed suicide due to Sextortion in the past 2 years

42 ATTORNEY GENERALS HAVE FILED LAWSUITS AGAINST META

Meta announces protections with Instagram Teens

- ▶ Private Profiles
- ▶ Default protections
- ▶ Time Limits and Sleep Mode of silencing notifications after 10pm

Takeaways

- We will start to hide more types of content for teens on Instagram and Facebook, in line with expert guidance.
- We're automatically placing all teens into the most restrictive content control settings on Instagram and Facebook and restricting additional terms in Search on Instagram.
- We're also prompting teens to update their privacy settings on Instagram in a single tap with new notifications.

Last roll out was day before Senate hearings. This rollout, the day before house hearings on KOSA.

Allows teen to simply accept a request from anyone (especially if they have a mutual friend)

Doesn't stop CSAM – Why can't we just stop Meta from allowing Child Pornography to exchange on their servers

New followers can see all your friends list and this is the leverage



Takeaways

- We've worked with the Mental Health Coalition to establish Thrive, a new program that allows tech companies to share signals about violating suicide or self-harm content and stop it spreading across different platforms.
- We're providing the technical infrastructure behind Thrive, which allows signals to be shared securely.
- We're proud to be a founding member of Thrive alongside Snap and TikTok, and encourage others in the industry to join this important work.


Mental Health and Social Media

Solutions

- ▶ While H3424 is a decent attempt protect children online, it is only 1 tool in the tool bag
 - ▶ Online Design Code (Treats social media as products instead of services)
 - ▶ Can address future issues as well considering we have safety protocols
 - ▶ Default to safety
 - ▶ Challenged in Courts
 - ▶ Should be a simple software update(Even if it was every phone, IMEI would link to account so no id would ever have to be uploaded)
 - ▶ Elvis Act or NIL approach
 - ▶ Everyone owns their own Name, Image, and Likeness.
 - ▶ Sites must have approval if challenged or remove.
 - ▶ Similar to the Napster fight in early 2000's
 - ▶ Social Media laws –
 - ▶ Require all minors social network private
 - ▶ Block any adult social network connections unless listed as Family or Family Friend. Child must send connection

Additional issues we Face

- ▶ AI CSAM
- ▶ Algorithms and the link to mental health of Youth (Scrolling to Death)
 - ▶ Suicide recommendations
 - ▶ Changing mindset and causing polarization
 - ▶ Are Companies using their own voice as opposed to simply posting when using algorithms
- ▶ Warning Labels on apps at top similar to Cigarettes
- ▶ Virtual Text/Numbers and masked VPNS
- ▶ Cell phone/ App use in Prisons (Johning = Sextortion)
- ▶ Account takeovers via extortion
- ▶ Money Mules and tracking funds from Scams (Financial institution solutions)
- ▶ VRBO/AirBNB
 - ▶ Videos recorded in premises without knowledge to customers.



*“Leaders worry about
the next generation,
not the next election”*

WE KNOW BIG TECH HAS BIG MONEY....BE THE CHANGE FOR OUR KIDS

< 3 TOMORROW NEEDS YOU < 3 WWW.LESSTHAN3SC.ORG