

1 **CHILDREN'S INTERNET PROTECTION ACT**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Michael E. Noel**

5

LONG TITLE

6 **General Description:**

7 This bill modifies provisions of the Community and Economic Development Code
8 related to a public library.

9 **Highlighted Provisions:**

10 This bill:

- 11
- 12 ▶ prohibits a public library from receiving state funds unless the library implements
 - 13 and enforces measures to filter Internet access to certain types of images;
 - 14 ▶ allows a public library to block materials that are not specified in this bill; and
 - 15 ▶ allows a public library to disable a filter under certain circumstances.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **9-7-215**, as enacted by Chapter 136, Laws of Utah 2000

23 **9-7-216**, as enacted by Chapter 172, Laws of Utah 2001

24

Be it enacted by the Legislature of the state of Utah:

25 Section 1. Section **9-7-215** is amended to read:

26 **9-7-215. Internet and online access policy required.**



28 (1) As used in this section:

29 (a) "Child pornography" is as defined in Section 76-5a-2.

30 (b) "Harmful to minors" is as defined in Section 76-10-1201.

31 (c) "Obscene" is as defined in 20 U.S.C. Sec. 9101.

32 (d) "Technology protection measure" means a technology that blocks or filters Internet
33 access to visual depictions.

34 ~~[No state]~~ (2) State funds ~~[shall]~~ may not be provided to any public library that offers
35 use of the Internet or an online service to the public unless the library ~~[adopts and enforces]:~~

36 (a) (i) has in place a policy ~~[to restrict access by minors to Internet or online sites that~~
37 ~~contain obscene material:] of Internet safety for minors including the operation of a technology~~
38 protection measure:

39 (A) with respect to any computer with Internet access; and

40 (B) that protects against access to visual depictions that are:

41 (I) child pornography;

42 (II) harmful to minors; or

43 (III) obscene; and

44 (ii) is enforcing the operation of the technology protection measure described in
45 Subsection (2)(a)(i) during any use of a computer by a minor; and

46 (b) (i) has in place a policy of Internet safety including the operation of a technology
47 protection measure:

48 (A) with respect to any computer with Internet access; and

49 (B) that protects against access to visual depictions that are:

50 (I) child pornography; or

51 (II) obscene; and

52 (ii) is enforcing the operation of the technology protection measure described in
53 Subsection (2)(b)(i) during any use of a computer.

54 (3) This section does not prohibit a public library from limiting Internet access or
55 otherwise protecting against materials other than the materials specified in this section.

56 (4) An administrator, supervisor, or other representative of a public library may disable
57 a technology protection measure described in Subsection (2):

58 (a) at the request of a library patron who is not a minor; and

59 (b) to enable access for research or other lawful purposes.

60 Section 2. Section **9-7-216** is amended to read:

61 **9-7-216. Process and content standards for policy.**

62 (1) (a) Each library's policy shall be developed under the direction of the library board,
63 adopted in an open meeting, and have an effective date. The library board shall review the
64 policy at least every three years, and a footnote shall be added to the policy indicating the
65 effective date of the last review.

66 (b) Notice of the availability of the policy shall be posted in a conspicuous place within
67 the library for all patrons to observe. The library board may issue any other public notice it
68 considers appropriate to inform the community about the policy.

69 (2) The policy shall:

70 (a) state:

71 (i) that it restricts access [~~by minors~~] to Internet or online sites that contain [~~obscene~~]
72 material described in Section 9-7-215; and [~~shall state~~]

73 (ii) how the library board intends to meet the requirements of Section 9-7-215;

74 (b) inform patrons that administrative procedures and guidelines for the staff to follow
75 in enforcing the policy have been adopted and are available for review at the library; and

76 (c) inform patrons that procedures for use by patrons and staff to handle complaints
77 about the policy, its enforcement, or about observed patron behavior have been adopted and are
78 available for review at the library.

Legislative Review Note

as of **2-5-04 8:08 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0341

Children's Internet Protection Act

12-Feb-04

10:07 AM

State Impact

Passage of this bill could increase costs to local libraries.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst