

INTERNET CHILD PROTECTION ACT

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Bradley A. Winn

This act modifies the State Library Division Code to establish policy and reporting requirements for local library boards which provide Internet and online access by minors in public libraries in order to prevent minor's access to obscene material. The act modifies the Public Education Code to create and establish policy and reporting requirements for local school boards which provide Internet and online access in elementary and secondary schools in order to prevent access to obscene material. The act provides an effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

9-7-101, as last amended by Chapter 32, Laws of Utah 1995

ENACTS:

9-7-216, Utah Code Annotated 1953

9-7-217, Utah Code Annotated 1953

53A-3-422, Utah Code Annotated 1953

53A-3-423, Utah Code Annotated 1953

53A-3-424, Utah Code Annotated 1953

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

Section 1. Section **9-7-101** is amended to read:

9-7-101. Definitions.

As used in this chapter:

(1) "Division" means the State Library Division.

(2) "Library board" means the library board of directors appointed locally as authorized by Section 9-7-402 or 9-7-502 and which exercises general policy authority for library services within a city or county of the state, regardless of the title by which it is known locally.

(3) "Policy" means the public library online access policy adopted by a library board to meet the requirements of Section 9-7-215.

~~[(2)]~~ (4) "Political subdivision" means any county, city, town, school district, public transit district, redevelopment agency, or special improvement or taxing district.

~~[(3)]~~ (5) "State agency" means the state, any office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality of the state.

~~[(4)]~~ (6) (a) "State publication" means any book, compilation, directory, document, contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map, monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum, resolution, register, rule, report, statute, audiovisual material, electronic publication, micrographic form and tape or disc recording regardless of format or method of reproduction, issued or published by any state agency or political subdivision for distribution.

(b) "State publication" does not include any correspondence, internal confidential publications, office memoranda, university press publications, or publications of the state historical society.

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

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

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

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

(2) The policy shall:

(a) state that it restricts access by minors to Internet or online sites that contain obscene material and shall state how the library board intends to meet the requirements of Section 9-7-215;

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

(c) inform patrons that procedures for use by patrons and staff to handle complaints about

the policy, its enforcement, or about observed patron behavior have been adopted and are available for review at the library.

Section 3. Section **9-7-217** is enacted to read:

9-7-217. Reporting.

The division shall make a report to the Business, Labor, and Economic Development Interim Committee of the Legislature at least once every three years regarding the compliance of library boards with Section 9-7-215.

Section 4. Section **53A-3-422** is enacted to read:

53A-3-422. Internet and online access policy required.

No state funds appropriated in accordance with Section 53A-1-702 shall be provided to any local school board that provides access to the Internet or an online service unless the local school board adopts and enforces a policy to restrict access to Internet or online sites that contain obscene material.

Section 5. Section **53A-3-423** is enacted to read:

53A-3-423. Process and content standards for policy.

(1) "Policy" as used in this section means the elementary and secondary school online access policy adopted by a local school board to meet the requirements of Section 53A-3-422.

(2) (a) Each policy shall be developed under the direction of the local school board, adopted in an open meeting, and have an effective date. The local school board shall review the policy at least every three years, and a footnote shall be added to the policy indicating the effective date of the last review.

(b) Notice of the availability of the policy shall be posted in a conspicuous place within each school. The local school board may issue any other public notice it considers appropriate.

(3) The policy shall:

(a) state that it restricts access to Internet or online sites that contain obscene material and shall state how the local school board intends to meet the requirements of Section 53A-3-422;

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

(c) inform the public that procedures to handle complaints about the policy, its enforcement, or about observed behavior have been adopted and are available for review at the school.

Section 6. Section **53A-3-424** is enacted to read:

53A-3-424. Rulemaking -- Reporting.

(1) The State Office of Education may make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, regarding compliance standards and reporting requirements for local school boards with respect to the policy required by Section 53A-3-422.

(2) The State Office of Education shall make a report to the Education Interim Committee of the Legislature at least once every three years regarding the compliance of local school boards with Section 53A-3-422.

Section 7. **Effective date.**

This act takes effect on July 1, 2001.