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1	INTERNET CHILD PROTECTION ACT
2	2001 GENERAL SESSION
3	STATE OF UTAH
4	Sponsor: Bradley A. Winn
5	This act modifies the State Library Division Code to establish policy and reporting
6	requirements for local library boards which provide Internet and online access by minors
7	in public libraries in order to prevent minor's access to obscene material. The act modifies
8	the Public Education Code to create and establish policy and reporting requirements for
9	local school boards which provide Internet and online access by minors in elementary and
10	secondary schools in order to prevent minor's access to obscene material. The act provides
11	an effective date.
12	This act affects sections of Utah Code Annotated 1953 as follows:
13	AMENDS:
14	9-7-101, as last amended by Chapter 32, Laws of Utah 1995
15	ENACTS:
16	9-7-216 , Utah Code Annotated 1953
17	9-7-217 , Utah Code Annotated 1953
18	53A-3-422 , Utah Code Annotated 1953
19	53A-3-423 , Utah Code Annotated 1953
20	53A-3-424 , Utah Code Annotated 1953
21	Be it enacted by the Legislature of the state of Utah:
22	Section 1. Section 9-7-101 is amended to read:
23	9-7-101. Definitions.
24	As used in this chapter:
25	(1) "Division" means the State Library Division.
26	(2) "Library board" means the library board of directors appointed locally as authorized
27	by Section 9-7-402 or 9-7-502 and which exercises general policy authority for library services

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20	within a city of county of the state, regardless of the title by which it is known locally.
29	(3) "Policy" means the public library online access policy adopted by a library board to
30	meet the requirements of Section 9-7-215.
31	[(2)] (4) "Political subdivision" means any county, city, town, school district, public transit
32	district, redevelopment agency, or special improvement or taxing district.
33	[(3)] (5) "State agency" means the state, any office, department, agency, authority,
34	commission, board, institution, hospital, college, university, or other instrumentality of the state.
35	[(4)] (6) (a) "State publication" means any book, compilation, directory, document,
36	contract or grant report, hearing memorandum, journal, law, legislative bill, magazine, map,
37	monograph, order, ordinance, pamphlet, periodical, proceeding, public memorandum, resolution,
38	register, rule, report, statute, audiovisual material, electronic publication, micrographic form and
39	tape or disc recording regardless of format or method of reproduction, issued or published by any
40	state agency or political subdivision for distribution.
41	(b) "State publication" does not include any correspondence, internal confidential
42	publications, office memoranda, university press publications, or publications of the state historical
43	society.
44	Section 2. Section 9-7-216 is enacted to read:
45	<u>9-7-216.</u> Process and content standards for policy.
46	(1) (a) Each library's policy shall be developed under the direction of the library board,
47	adopted in an open meeting, and have an effective date. The library board shall review the policy
48	at least every three years, and a footnote shall be added to the policy indicating the effective date
49	of the last review.
50	(b) Notice of the availability of the policy shall be posted in a conspicuous place within
51	the library for all patrons to observe. The library board may issue any other public notice it
52	considers appropriate to inform the community about the policy.
53	(2) The policy shall:
54	(a) state that it restricts access by minors to Internet or online sites that contain obscene
55	material and shall state how the library board intends to meet the requirements of Section 9-7-215;
56	(b) inform patrons that administrative procedures and guidelines for the staff to follow in
57	enforcing the policy have been adopted and are available for review at the library; and
58	(c) inform patrons that procedures for use by patrons and staff to handle complaints about

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59	the policy, its enforcement, or about observed patron behavior have been adopted and are available
60	for review at the library.
61	Section 3. Section 9-7-217 is enacted to read:
62	<u>9-7-217.</u> Reporting.
63	The division shall make a report to the Business, Labor, and Economic Development
64	Interim Committee of the Legislature at least once every three years regarding the compliance of
65	library boards with Section 9-7-215.
66	Section 4. Section 53A-3-422 is enacted to read:
67	53A-3-422. Internet and online access policy required.
68	No state funds appropriated in accordance with Section 53A-1-702 shall be provided to any
69	local school board that provides access to the Internet or an online service to minors unless the
70	local school board adopts and enforces a policy to restrict access by minors to Internet or online
71	sites that contain obscene material.
72	Section 5. Section 53A-3-423 is enacted to read:
73	53A-3-423. Process and content standards for policy.
74	(1) "Policy" as used in this section means the elementary and secondary school online
75	access policy adopted by a local school board to meet the requirements of Section 53A-3-422.
76	(2) (a) Each policy shall be developed under the direction of the local school board,
77	adopted in an open meeting, and have an effective date. The local school board shall review the
78	policy at least every three years, and a footnote shall be added to the policy indicating the effective
79	date of the last review.
80	(b) Notice of the availability of the policy shall be posted in a conspicuous place within
81	each school for all minors to observe. The local school board may issue any other public notice
82	it considers appropriate.
83	(3) The policy shall:
84	(a) state that it restricts access by minors to Internet or online sites that contain obscene
85	material and shall state how the local school board intends to meet the requirements of Section
86	<u>53A-3-422;</u>
87	(b) inform the public that administrative procedures and guidelines for the staff to follow
88	in enforcing the policy have been adopted and are available for review at the school; and
89	(c) inform the public that procedures for use by minors and staff to handle complaints

90	about the policy, its enforcement, or about observed behavior of minors have been adopted and are
91	available for review at the school.
92	Section 6. Section 53A-3-424 is enacted to read:
93	53A-3-424. Rulemaking Reporting.
94	(1) The State Office of Education may make rules in accordance with Title 63, Chapter
95	46a, Utah Administrative Rulemaking Act, regarding compliance standards and reporting
96	requirements for local school boards with respect to the policy required by Section 53A-3-422.
97	(2) The State Office of Education shall make a report to the Education Interim Committee
98	of the Legislature at least once every three years regarding the compliance of local school boards
99	with Section 53A-3-422.
100	Section 7. Effective date.
101	This act takes effect on July 1, 2001.

Legislative Review Note as of 1-24-01 10:01 AM

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

Office of Legislative Research and General Counsel

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