

**Department of Planning and Budget
2002 Fiscal Impact Statement**

1. Bill Number HB514

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron Marris

3. Committee Science and Technology

4. Title Library systems that access the Internet as a non -public forum.

5. Summary/Purpose:

The proposed legislation defines public -owned systems that access the Internet as “non public forums,” thereby giving them the authority to limit access to the Internet at public libraries.

6. Fiscal Impact Estimates are not available (see item 8).

7. Budget amendment necessary: No.

8. Fiscal implications: The American Library Association has filed a lawsuit on behalf of schools and public libraries challenging provisions of the Children’s Internet Protection Act, which requires schools and public libraries to install Internet blocking software if they receive federal funding for their Internet access or computers. The lawsuit raises issues that may be germane to the proposed legislation. It is likely that additional litigation will be filed, on the national and local level, challenging attempts to limit Internet access in libraries. The costs of responding to such lawsuits cannot be determined at this time. Localities would most likely be responsible for such costs. The screening software that would be required by local libraries in order to comply with the legislation costs \$50 per license. The Library of Virginia estimates that it would cost localities up to \$286,000 in total to equip the computers purchased over the last two years with this software.

9. Specific agency or political subdivisions affected:

The Library of Virginia and all localities with public libraries.

10. Technical amendment necessary: No.

11. Other comments: According to the American Library Association, the government is prohibited from exercising discrimination with respect to the content of communication in a public forum, unless the government demonstrates that the restriction is necessary to achieve a “compelling” government interest and there is no less restrictive alternative for achieving that interest. Courts have held that the public library is a “limited public forum” and would be subject to the protections described above. The proposed legislation redefines public libraries as non public forums.

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cc: Secretary of Education