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**HOUSE BILL NO. 189**

Offered January 14, 2004

Prefiled January 6, 2004

*A BILL to amend and reenact § 42.1-36.1 of the Code of Virginia, relating to juveniles' Internet access on public library computers.*

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 Patron—Black
 

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 Referred to Committee on General Laws
 

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**Be it enacted by the General Assembly of Virginia:****1. That § 42.1-36.1 of the Code of Virginia is amended and reenacted as follows:**

§ 42.1-36.1. Power and duty of library boards and certain governing bodies regarding acceptable Internet use policies.

A. On or before December 1, 1999, and biennially thereafter, (i) every library board established pursuant to § 42.1-35 or (ii) the governing body of any county, city, or town which, pursuant to § 42.1-36, has not established a library board pursuant to § 42.1-35, shall file with the Librarian of Virginia an acceptable use policy for the international network of computer systems commonly known as the Internet. At a minimum, the policy shall contain provisions ~~which~~ *that* (ia) are designed to prohibit use by library employees and patrons of the library's computer equipment and communications services for sending, receiving, viewing, or downloading illegal material via the Internet, (ib) seek to prevent access by library patrons under the age of ~~eighteen~~ *18* to material ~~which~~ *that* is harmful to juveniles, and (ic) establish appropriate measures to be taken against persons who violate the policy. The library board or the governing body may include such other terms, conditions, and requirements in the library's policy as it deems appropriate, such as requiring written parental authorization for Internet use by juveniles or differentiating acceptable uses between elementary, middle, and high school students.

B. The library board or the governing body shall take such steps as it deems appropriate to implement and enforce the library's policy which may include, but are not limited to, (i) the use of software programs designed to block access by (a) library employees and patrons to illegal material or (b) library patrons under the age of ~~eighteen~~ *18* to material ~~which~~ *that* is harmful to juveniles or (c) both; (ii) charging library employees to casually monitor patrons' Internet use; or (iii) installing privacy screens on computers ~~which~~ *that* access the Internet.

C. On or before December 1, 2000, and biennially thereafter, the Librarian of Virginia shall submit a report to the Chairmen of the House Committee on Education, the House Committee on Science and Technology, and the Senate Committee on Education and Health ~~which~~ *that* summarizes the acceptable use policies filed with the Librarian pursuant to this section and the status thereof.

D. *In addition to the foregoing requirements regarding public library Internet use policies, the library board or governing body of a library shall select and install on those computers that are accessible to juveniles and have Internet access a technology to filter or block Internet access through such computers to child pornography as set out in § 18.2-374.1:1, obscenity as defined in § 18.2-372 and materials deemed harmful to juveniles as defined in § 18.2-390. For adult use, such technology shall be in operation only at the request of the patron.*

*The library board or governing body shall include certification of the compliance with this subsection in its filing with the Librarian of Virginia pursuant to subsection A.*

**2. The provisions of subsection D shall become effective upon the certification by the Librarian of Virginia that a technology exists that complies with this section without violating the constitutional principles enunciated by the Supreme Courts of Virginia and the United States.**

INTRODUCED

HB189