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HOUSE BILL NO. 2197

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on February 14, 2007)

(Patron Prior to Substitute— Delegate Nixon)

A BILL to amend and reenact § 42.1-36.1 of the Code of Virginia, relating to technology protection measures in libraries receiving state funding.

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 that~~, 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 Internet. At a minimum, the policy shall contain provisions ~~which that~~ (i) 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, (ii) seek to prevent access by library patrons under the age of ~~eighteen~~ 18 to material ~~which that~~ is harmful to juveniles, and (iii) establish appropriate measures to be taken against persons who violate the policy. *For libraries established under § 42.1-33, the policy shall also require the selection, installation and activation of, on those computers that are accessible to the public and have Internet access, a technology protection measure to filter or block Internet access through such computers to child pornography as defined in § 18.2-374.1:1, obscenity as defined in § 18.2-372, and, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. Such policy shall provide that a person authorized by the library board shall disable or otherwise bypass the technology protection measure required by this section at the request of a patron to enable access for bona fide research or other lawful purposes.*

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. *For libraries established under § 42.1-33, the library board or governing body shall direct such libraries to select and install on those computers that are accessible to the public and have Internet access a technology protection measure as required by the policy established pursuant to subsection A. No state funding shall be withheld and no other adverse action taken against a library by the Librarian of Virginia or any other official of state government when the technology protection measure fails, provided that such library promptly has taken reasonable steps to rectify and prevent such failures in the future.*

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 summarizes the acceptable use policies filed with the Librarian pursuant to this section and the status thereof.