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## HOUSE BILL NO. 2756

Offered January 26, 1999

A *BILL to amend the Code of Virginia by adding in Chapter 6 of Title 22.1 a section numbered 22.1-70.2 and by adding a section numbered 42.1-36.1, relating to the powers and duties of public school division superintendents and local public libraries regarding guidelines for computer usage.*

Patron—Marshall

Consent to introduce

Referred to Committee on Science and Technology

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 6 of Title 22.1 a section numbered 22.1-70.2 and by adding a section numbered 42.1-36.1 as follows:**

§ 22.1-70.2. *Power and duty of division superintendents regarding guidelines for computer usage.*

A. *It is the intent of the General Assembly to ensure that the Commonwealth's public schools furnish educational and research environments conducive to the health, safety, and welfare of the local school divisions' employees and students.*

B. *By September 1, 1999, every division superintendent shall implement guidelines designed to prevent the selecting, acquiring, accessing, or downloading of obscenity, child pornography, and other illegal material, including, but not limited to, material which is harmful to juveniles, through any computer owned, leased, or controlled by the school division and used by students in the school division under the age of eighteen for access to telecommunications, cable, and computer networks permitting access to electronic information (including the Internet, the World Wide Web, bulletin board systems, and other on-line systems). To the extent technically, practically, and economically feasible, such guidelines may include, but are not limited to, the use of preselected Internet sites and/or computer software filters, as appropriate.*

C. *For purposes of this section, "obscenity" and "child pornography" shall have the meanings provided in Article 5 (§§ 18.2-372 through 18.2-389) of Chapter 8 of Title 18.2 of the Code of Virginia. In addition, it is the intent of the General Assembly that "obscenity" shall include depictions of sexual conduct involving intercourse where penetration of the genitals is clearly visible or oral or anal sodomy, unless such depictions or the use of such depictions is for bona fide research, medical or educational purposes, law enforcement, or other such proper purpose or has serious literary, artistic, political, or scientific value.*

D. *For purposes of this section, "harmful to juveniles" shall have the meaning provided in Article 6 (§§ 18.2-390 through 18.2-391.1) of Chapter 8 of Title 18.2 of the Code of Virginia. In addition, any depictions which constitute "obscenity" or "child pornography" shall be deemed harmful to juveniles. The determination of materials considered harmful to juveniles shall be made in relation to the appropriate age group of students under the age of eighteen.*

E. *The division superintendent shall determine what materials constitute obscenity or child pornography, are harmful to juveniles, or are otherwise illegal.*

F. *Nothing in this section shall be construed to prohibit any division superintendent from developing and implementing other lawful guidelines that are more restrictive than the provisions of this section.*

§ 42.1-36.1. *Power and duty of library boards and certain governing bodies regarding guidelines for computer usage.*

A. *It is the intent of the General Assembly to ensure that the Commonwealth's public libraries furnish educational and research environments conducive to the health, safety, and welfare of the local public libraries' employees and patrons.*

B. *By September 1, 1999, every library board established pursuant to § 42.1-35 or 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 implement guidelines designed to prevent the selecting, acquiring, accessing, or downloading of obscenity, child pornography, or other illegal material, including, but not limited to, material which is harmful to juveniles, through any computer owned, leased, or controlled by the library and used by library patrons under the age of eighteen for access to telecommunications, cable, and computer networks permitting access to electronic information (including the Internet, the World Wide Web, bulletin board systems, and other on-line systems). To the extent technically, practically, and economically feasible, such guidelines may include, but are not limited to, the use of preselected Internet sites and/or computer software filters, as appropriate.*

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61 provided in Article 5 (§§ 18.2-372 through 18.2-389) of Chapter 8 of Title 18.2 of the Code of Virginia.  
62 In addition, it is the intent of the General Assembly that "obscenity" shall include depictions of sexual  
63 conduct involving intercourse where penetration of the genitals is clearly visible or oral or anal sodomy,  
64 unless such depictions or the use of such depictions is for bona fide research, medical or educational  
65 purposes, law enforcement, or other such proper purpose or has serious literary, artistic, political, or  
66 scientific value.

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68 (§§ 18.2-390 through 18.2-391.1) of Chapter 8 of Title 18.2 of the Code of Virginia. In addition, any  
69 depictions which constitute "obscenity" or "child pornography" shall be deemed harmful to juveniles.  
70 The determination of materials considered harmful to juveniles shall be made in relation to the  
71 appropriate age group of students under the age of eighteen.

72 E. The library board or the local governing body shall determine what materials constitute obscenity  
73 or child pornography, are harmful to juveniles, or are otherwise illegal.

74 F. Nothing in this section shall be construed to prohibit any library board or governing body from  
75 developing and implementing other lawful guidelines that are more restrictive than the provisions of this  
76 section.