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SENATE BILL NO. 882

Offered January 12, 2005

Prefiled January 11, 2005

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

Patron—Obenshain

Referred to Committee on General Laws

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 international network of computer systems commonly known as the Internet. At a minimum, the policy shall contain provisions which (i) that (a) 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) (b) seek to prevent access by library patrons under the age of eighteen 18 to material which that is harmful to juveniles, and (iii) (c) establish appropriate measures to be taken against persons who violate the policy. For libraries that receive state funding for any purpose, the policy shall also contain provisions requiring the selection, installation and activation on those computers that have Internet access a technology protection measure, as selected by the Librarian of Virginia, 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, with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390.

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 that receive state funding for any purpose, the library board or governing body shall select, install and activate on those computers that have Internet access a technology protection measure as required by the policy established pursuant to subsection A.

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.

INTRODUCED

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