

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 42.1-36.1 of the Code of Virginia, relating to technology protection*  
 3 *measures in libraries receiving state funding.*

4 [H 2197]  
 5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 42.1-36.1 of the Code of Virginia is amended and reenacted as follows:**

8 § 42.1-36.1. Power and duty of library boards and certain governing bodies regarding acceptable  
 9 Internet use policies.

10 A. On or before December 1, 1999, and biennially thereafter, (i) every library board established  
 11 pursuant to § 42.1-35 or (ii) the governing body of any county, city, or town ~~which~~ *that*, pursuant to  
 12 § 42.1-36, has not established a library board pursuant to § 42.1-35, shall file with the Librarian of  
 13 Virginia an acceptable use policy for the Internet. At a minimum, the policy shall contain provisions  
 14 ~~which~~ *that* (i) are designed to prohibit use by library employees and patrons of the library's computer  
 15 equipment and communications services for sending, receiving, viewing, or downloading illegal material  
 16 via the Internet, (ii) seek to prevent access by library patrons under the age of ~~eighteen~~ *18* to material  
 17 ~~which~~ *that* is harmful to juveniles, and (iii) establish appropriate measures to be taken against persons  
 18 who violate the policy. *For libraries established under § 42.1-33, the policy shall also require the*  
 19 *selection, installation and activation of, on those computers that are accessible to the public and have*  
 20 *Internet access, a technology protection measure to filter or block Internet access through such*  
 21 *computers to child pornography as defined in § 18.2-374.1:1, obscenity as defined in § 18.2-372, and,*  
 22 *with respect to minors, materials deemed harmful to juveniles as defined in § 18.2-390. Such policy*  
 23 *shall provide that a person authorized by the library board shall disable or otherwise bypass the*  
 24 *technology protection measure required by this section at the request of a patron to enable access for*  
 25 *bona fide research or other lawful purposes.*

26 The library board or the governing body may include such other terms, conditions, and requirements  
 27 in the library's policy as it deems appropriate, such as requiring written parental authorization for  
 28 Internet use by juveniles or differentiating acceptable uses between elementary, middle, and high school  
 29 students.

30 B. The library board or the governing body shall take such steps as it deems appropriate to  
 31 implement and enforce the library's policy which may include, but are not limited to, (i) the use of  
 32 software programs designed to block access by (a) library employees and patrons to illegal material or  
 33 (b) library patrons under the age of ~~eighteen~~ *18* to material ~~which~~ *that* is harmful to juveniles or (c)  
 34 both; (ii) charging library employees to casually monitor patrons' Internet use; or (iii) installing privacy  
 35 screens on computers ~~which~~ *that* access the Internet. *For libraries established under § 42.1-33, the*  
 36 *library board or governing body shall direct such libraries to select and install on those computers that*  
 37 *are accessible to the public and have Internet access a technology protection measure as required by*  
 38 *the policy established pursuant to subsection A. No state funding shall be withheld and no other*  
 39 *adverse action taken against a library by the Librarian of Virginia or any other official of state*  
 40 *government when the technology protection measure fails, provided that such library promptly has taken*  
 41 *reasonable steps to rectify and prevent such failures in the future.*

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