
By: **Delegates Dwyer, Aumann, Bartlett, Bates, Boteler, Burns, Cluster,
Costa, Frank, Gilleland, Haddaway, Hogan, Impallaria, Krebs, Leopold,
McConkey, O'Donnell, and Shank**

Introduced and read first time: February 9, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Libraries - Preventing Internet Access to Obscene Materials -**
3 **Funding**

4 FOR the purpose of requiring a county or board of trustees of a county library, on or
5 before a certain date, to adopt and implement certain policies and procedures to
6 prevent individuals from obtaining access through the library to certain
7 materials; requiring certain persons to monitor county libraries to determine
8 whether each library is complying with the policies and procedures; requiring
9 the State Superintendent of Schools to authorize the State Comptroller to
10 withhold certain State funds from a county library that has not complied with
11 certain policies to prevent an individual from obtaining Internet access to
12 obscene materials; requiring the State Superintendent to submit a certain
13 report on or before a certain date; and generally relating to preventing Internet
14 access to obscene materials in a county library.

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 23-502(b), 23-506.1, and 23-507
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Education**

23 23-502.

24 (b) [The] EXCEPT AS PROVIDED UNDER § 23-507 OF THIS SUBTITLE, THE
25 State shall share in the current operating and capital expenses of the county public
26 library systems that participate in the minimum library program.

1 23-506.1.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Obscene" has the meaning stated in § 11-203 of the Criminal Law
4 Article.

5 (3) "Child pornography" means a violation of § 11-207 of the Criminal
6 Law Article.

7 (b) On or before January 1, [2001] 2005, each county or board of trustees of a
8 county library shall:

9 (1) Adopt and implement policies and procedures to prevent [minors]
10 AN INDIVIDUAL from obtaining access through the library, by means of the Internet,
11 the World Wide Web, Usenet, or any other interactive computer service to materials
12 that are obscene or constitute child pornography; and

13 (2) Submit the policies and procedures required under this section to the
14 State Superintendent for review.

15 (c) The State Superintendent or a designee of the State Superintendent shall:

16 (1) [regularly] REGULARLY monitor the county libraries to determine
17 whether each library is complying with the policies and procedures adopted for
18 preventing [a minor] AN INDIVIDUAL from obtaining Internet access to obscene
19 materials through the library; AND

20 (2) ON OR BEFORE DECEMBER 1 OF EACH YEAR AND, SUBJECT TO §
21 2-1246 OF THE STATE GOVERNMENT ARTICLE, SUBMIT TO THE GENERAL ASSEMBLY A
22 REPORT OF THE FINDINGS OF THE STATE SUPERINTENDENT OR THE DESIGNEE OF
23 THE STATE SUPERINTENDENT.

24 (D) IF THE STATE SUPERINTENDENT DETERMINES THAT A COUNTY LIBRARY
25 HAS NOT COMPLIED WITH THE POLICIES AND PROCEDURES UNDER THIS SECTION,
26 THE STATE SUPERINTENDENT SHALL AUTHORIZE THE STATE COMPTROLLER TO
27 WITHHOLD STATE FUNDS IN ACCORDANCE WITH § 23-507 OF THIS SUBTITLE.

28 23-507.

29 The State Superintendent shall authorize the State Comptroller to withhold
30 State funds from any county that fails:

31 (1) To appropriate the amount of its share of the minimum program; [or]

32 (2) To meet the requirements of the law or of the State Board for
33 operating the county library; OR

34 (3) TO COMPLY WITH THE POLICIES AND PROCEDURES ADOPTED FOR
35 PREVENTING AN INDIVIDUAL FROM OBTAINING INTERNET ACCESS TO OBSCENE
36 MATERIALS UNDER § 23-506.1 OF THIS SUBTITLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2004.