

# HOUSE BILL 1110

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By: **Delegates Parrott, Arentz, Dwyer, Glass, Krebs, McDermott, Otto, and Serafini**

Introduced and read first time: February 7, 2014

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools and Libraries – Access to Obscene Materials and Child**  
3 **Pornography – Prohibited**

4 FOR the purpose of requiring the State Superintendent of Schools to make certain  
5 notifications under certain circumstances; prohibiting county boards of  
6 education, public schools, and certain libraries from allowing access to certain  
7 materials; requiring county boards, public schools, and certain libraries to  
8 adopt, implement, and submit certain policies and procedures; requiring the  
9 State Superintendent or a designee to regularly monitor county boards, public  
10 schools, and certain libraries for compliance with certain policies and  
11 procedures; requiring the State Department of Education to authorize the State  
12 Comptroller to withhold funds under certain circumstances; requiring the State  
13 Superintendent to authorize the State Comptroller to withhold funds under  
14 certain circumstances; defining certain terms; and generally relating to  
15 prohibiting access to obscene materials and child pornography.

16 BY adding to  
17 Article – Education  
18 Section 5–213(d), 7–436, and 23–207  
19 Annotated Code of Maryland  
20 (2008 Replacement Volume and 2013 Supplement)

21 BY repealing and reenacting, without amendments,  
22 Article – Education  
23 Section 23–205(a)  
24 Annotated Code of Maryland  
25 (2008 Replacement Volume and 2013 Supplement)

26 BY repealing and reenacting, with amendments,  
27 Article – Education

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 23–205(e), 23–506.1, and 23–507  
2 Annotated Code of Maryland  
3 (2008 Replacement Volume and 2013 Supplement)

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

6 **Article – Education**

7 5–213.

8 **(D) IF THE STATE SUPERINTENDENT FINDS THAT A COUNTY BOARD OR**  
9 **A PUBLIC SCHOOL UNDER THE JURISDICTION OF A COUNTY BOARD IS NOT IN**  
10 **COMPLIANCE WITH THE REQUIREMENTS UNDER § 7–436 OF THIS ARTICLE, THE**  
11 **STATE SUPERINTENDENT SHALL:**

12 **(1) NOTIFY THE COUNTY BOARD AND THE SCHOOL; AND**

13 **(2) AUTHORIZE THE STATE COMPTROLLER TO WITHHOLD FUNDS**  
14 **FROM THE COUNTY BOARD UNTIL THE COUNTY BOARD OR THE SCHOOL IS**  
15 **FOUND TO BE IN COMPLIANCE WITH § 7–436 OF THIS ARTICLE.**

16 **7–436.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
18 **MEANINGS INDICATED.**

19 **(2) “CHILD PORNOGRAPHY” MEANS A VIOLATION OF § 11–207 OF**  
20 **THE CRIMINAL LAW ARTICLE.**

21 **(3) “OBSCENE” HAS THE MEANING STATED IN § 11–203 OF THE**  
22 **CRIMINAL LAW ARTICLE.**

23 **(B) A COUNTY BOARD AND A PUBLIC SCHOOL MAY NOT ALLOW ACCESS**  
24 **TO MATERIALS THAT ARE OBSCENE OR CONSTITUTE CHILD PORNOGRAPHY,**  
25 **INCLUDING ACCESS VIA THE USE OF A WIRELESS INTERNET CONNECTION.**

26 **(C) A COUNTY BOARD AND A PUBLIC SCHOOL SHALL:**

27 **(1) ADOPT AND IMPLEMENT POLICIES AND PROCEDURES TO**  
28 **PREVENT ACCESS BY MEANS OF THE INTERNET, THE WORLD WIDE WEB,**  
29 **USENET, OR ANY OTHER INTERACTIVE COMPUTER SERVICE TO MATERIALS**  
30 **THAT ARE OBSCENE OR CONSTITUTE CHILD PORNOGRAPHY; AND**

1           **(2) SUBMIT THE POLICIES AND PROCEDURES REQUIRED UNDER**  
2 **THIS SECTION TO THE STATE SUPERINTENDENT FOR REVIEW.**

3           **(D) THE STATE SUPERINTENDENT OR A DESIGNEE OF THE STATE**  
4 **SUPERINTENDENT SHALL REGULARLY MONITOR EACH COUNTY BOARD AND**  
5 **EACH PUBLIC SCHOOL TO DETERMINE WHETHER EACH IS COMPLYING WITH THE**  
6 **POLICIES AND PROCEDURES ADOPTED FOR PREVENTING INTERNET ACCESS TO**  
7 **OBSCENE MATERIALS OR CHILD PORNOGRAPHY.**

8 23–205.

9           (a) Each year, the Department may include in its budget operating funds for:

10           (1) The State Library Resource Center;

11           (2) Each regional resource center; and

12           (3) Each metropolitan cooperative service program.

13           (e) (1) The Department shall:

14                   (i) Disburse funds to the State and regional resource centers  
15 and metropolitan cooperative service programs; and

16                   (ii) Require that these funds be used subject to any conditions  
17 specified by the appropriating agency or imposed under this subtitle.

18           (2) The Department may authorize the State Comptroller to withhold  
19 funds from any regional resource center or metropolitan cooperative service program  
20 that fails to meet the standards adopted by the Department.

21           **(3) THE DEPARTMENT SHALL AUTHORIZE THE STATE**  
22 **COMPTROLLER TO WITHHOLD FUNDS FROM THE STATE LIBRARY RESOURCE**  
23 **CENTER, ANY REGIONAL RESOURCE CENTER, OR ANY METROPOLITAN**  
24 **COOPERATIVE SERVICE PROGRAM THAT FAILS TO COMPLY WITH § 23–207 OF**  
25 **THIS SUBTITLE.**

26 23–207.

27           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
28 **MEANINGS INDICATED.**

29           **(2) “CHILD PORNOGRAPHY” MEANS A VIOLATION OF § 11–207 OF**  
30 **THE CRIMINAL LAW ARTICLE.**

1           **(3) “OBSCENE” HAS THE MEANING STATED IN § 11–203 OF THE**  
 2 **CRIMINAL LAW ARTICLE.**

3           **(B) THE STATE LIBRARY RESOURCE CENTER, REGIONAL RESOURCE**  
 4 **CENTERS, AND METROPOLITAN COOPERATIVE SERVICE PROGRAMS MAY NOT**  
 5 **ALLOW ACCESS TO MATERIALS THAT ARE OBSCENE OR CONSTITUTE CHILD**  
 6 **PORNOGRAPHY, INCLUDING ACCESS VIA THE USE OF A WIRELESS INTERNET**  
 7 **CONNECTION.**

8           **(C) THE STATE LIBRARY RESOURCE CENTER, REGIONAL RESOURCE**  
 9 **CENTERS, AND METROPOLITAN COOPERATIVE SERVICE PROGRAMS**  
 10 **ESTABLISHED UNDER THIS SUBTITLE SHALL:**

11           **(1) ADOPT AND IMPLEMENT POLICIES AND PROCEDURES TO**  
 12 **PREVENT PATRONS FROM OBTAINING ACCESS THROUGH THE LIBRARY BY**  
 13 **MEANS OF THE INTERNET, THE WORLD WIDE WEB, USENET, OR ANY OTHER**  
 14 **INTERACTIVE COMPUTER SERVICE TO MATERIALS THAT ARE OBSCENE OR**  
 15 **CONSTITUTE CHILD PORNOGRAPHY; AND**

16           **(2) SUBMIT THE POLICIES AND PROCEDURES REQUIRED UNDER**  
 17 **THIS SECTION TO THE STATE SUPERINTENDENT FOR REVIEW.**

18           **(D) THE STATE SUPERINTENDENT OR A DESIGNEE OF THE STATE**  
 19 **SUPERINTENDENT SHALL REGULARLY MONITOR THE LIBRARIES ESTABLISHED**  
 20 **UNDER THIS SUBTITLE TO DETERMINE WHETHER EACH IS COMPLYING WITH**  
 21 **THE POLICIES AND PROCEDURES ADOPTED FOR PREVENTING INTERNET**  
 22 **ACCESS TO OBSCENE MATERIALS OR CHILD PORNOGRAPHY.**

23 23–506.1.

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

25           (2) “Obscene” has the meaning stated in § 11–203 of the Criminal Law  
 26 Article.

27           (3) “Child pornography” means a violation of § 11–207 of the Criminal  
 28 Law Article.

29           **(B) THE COUNTY LIBRARIES MAY NOT ALLOW ACCESS TO MATERIALS**  
 30 **THAT ARE OBSCENE OR CONSTITUTE CHILD PORNOGRAPHY, INCLUDING ACCESS**  
 31 **VIA THE USE OF A WIRELESS INTERNET CONNECTION.**

32           **[(b)] (C) [On or before January 1, 2001, each] EACH** county or board of  
 33 trustees of a county library shall:

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

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

7           (c)    The State Superintendent or a designee of the State Superintendent shall  
8 regularly monitor the county libraries to determine whether each library is complying  
9 with the policies and procedures adopted for preventing [a minor from obtaining]  
10 Internet access to obscene materials [through the library] **OR CHILD PORNOGRAPHY.**

11 23-507.

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

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

16           (2)    To meet the requirements of the law or of the State Board for  
17 operating the county library; **OR**

18           **(3)    TO COMPLY WITH § 23-506.1 OF THIS SUBTITLE.**

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 July 1, 2014.