

HOUSE BILL 1375

F5, B1
HB 1110/14 – W&M

6lr3093

By: **Delegates Parrott, Adams, Arentz, McKay, Metzgar, W. Miller, and Shoemaker**
Introduced and read first time: February 12, 2016
Assigned to: Ways and Means

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

16 BY adding to
17 Article – Education
18 Section 5–213(d), 7–438, and 23–207
19 Annotated Code of Maryland
20 (2014 Replacement Volume and 2015 Supplement)

21 BY repealing and reenacting, without amendments,
22 Article – Education
23 Section 23–205(a)
24 Annotated Code of Maryland
25 (2014 Replacement Volume and 2015 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Education
28 Section 23–205(f), 23–506.1, and 23–507

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2014 Replacement Volume and 2015 Supplement)

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

5 **Article – Education**

6 5–213.

7 **(D) IF THE STATE SUPERINTENDENT FINDS THAT A COUNTY BOARD OR A**
8 **PUBLIC SCHOOL UNDER THE JURISDICTION OF A COUNTY BOARD IS NOT IN**
9 **COMPLIANCE WITH THE REQUIREMENTS UNDER § 7–438 OF THIS ARTICLE, THE**
10 **STATE SUPERINTENDENT SHALL:**

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

12 **(2) AUTHORIZE THE STATE COMPTROLLER TO WITHHOLD FUNDS**
13 **FROM THE COUNTY BOARD UNTIL THE COUNTY BOARD OR THE SCHOOL IS FOUND TO**
14 **BE IN COMPLIANCE WITH § 7–438 OF THIS ARTICLE.**

15 **7–438.**

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

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

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

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

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

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

1 **(2) SUBMIT THE POLICIES AND PROCEDURES REQUIRED UNDER THIS**
2 **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 EACH**
5 **PUBLIC SCHOOL TO DETERMINE WHETHER EACH IS COMPLYING WITH THE POLICIES**
6 **AND PROCEDURES ADOPTED FOR PREVENTING INTERNET ACCESS TO OBSCENE**
7 **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;

12 (3) The Maryland Library for the Blind and Physically Handicapped; and

13 (4) Each metropolitan cooperative service program.

14 (f) (1) The Department shall:

15 (i) Disburse funds to the State and regional resource centers, the
16 Maryland Library for the Blind and Physically Handicapped, and metropolitan cooperative
17 service programs; and

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

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

23 **(3) THE DEPARTMENT SHALL AUTHORIZE THE STATE**
24 **COMPTROLLER TO WITHHOLD FUNDS FROM THE STATE LIBRARY RESOURCE**
25 **CENTER, ANY REGIONAL RESOURCE CENTER, THE MARYLAND LIBRARY FOR THE**
26 **BLIND AND PHYSICALLY HANDICAPPED, OR ANY METROPOLITAN COOPERATIVE**
27 **SERVICE PROGRAM THAT FAILS TO COMPLY WITH § 23–207 OF THIS SUBTITLE.**

28 23–207.

29 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
30 **INDICATED.**

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

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

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

11 **(C) THE STATE LIBRARY RESOURCE CENTER, REGIONAL RESOURCE**
12 **CENTERS, THE MARYLAND LIBRARY FOR THE BLIND AND PHYSICALLY**
13 **HANDICAPPED, AND METROPOLITAN COOPERATIVE SERVICE PROGRAMS**
14 **ESTABLISHED UNDER THIS SUBTITLE SHALL:**

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

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

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

27 23–506.1.

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

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

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

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

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

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

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

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

16 23–507.

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

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

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

22 **(3) TO COMPLY WITH § 23–506.1 OF THIS SUBTITLE.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2016.