

HOUSE BILL 1456

F5, B1

6lr3096

By: **Delegates Parrott, Adams, Arentz, McConkey, 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 – Access to Obscene Materials and Child Pornography –**
3 **Prohibited**

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

14 BY adding to

15 Article – Education

16 Section 5–213(d) and 7–438

17 Annotated Code of Maryland

18 (2014 Replacement Volume and 2015 Supplement)

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

21 **Article – Education**

22 5–213.

23 **(D) IF THE STATE SUPERINTENDENT FINDS THAT A COUNTY BOARD OR A**
24 **PUBLIC SCHOOL UNDER THE JURISDICTION OF A COUNTY BOARD IS NOT IN**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 COMPLIANCE WITH THE REQUIREMENTS UNDER § 7-438 OF THIS ARTICLE, THE
2 STATE SUPERINTENDENT SHALL:

3 (1) NOTIFY THE COUNTY BOARD AND THE SCHOOL; AND

4 (2) AUTHORIZE THE COMPTROLLER TO WITHHOLD FUNDS FROM THE
5 COUNTY BOARD UNTIL THE COUNTY BOARD OR THE SCHOOL IS FOUND TO BE IN
6 COMPLIANCE WITH § 7-438 OF THIS ARTICLE.

7 7-438.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (2) "CHILD PORNOGRAPHY" MEANS A VIOLATION OF § 11-207 OF THE
11 CRIMINAL LAW ARTICLE.

12 (3) "OBSCENE" HAS THE MEANING STATED IN § 11-203 OF THE
13 CRIMINAL LAW ARTICLE.

14 (B) A COUNTY BOARD AND A PUBLIC SCHOOL MAY NOT LEND ELECTRONIC
15 DEVICES TO STUDENTS THAT ALLOW ACCESS TO MATERIALS THAT ARE OBSCENE OR
16 CONSTITUTE CHILD PORNOGRAPHY, INCLUDING ACCESS VIA THE USE OF A
17 WIRELESS INTERNET CONNECTION.

18 (C) A COUNTY BOARD AND A PUBLIC SCHOOL SHALL:

19 (1) ADOPT AND IMPLEMENT POLICIES AND PROCEDURES TO
20 PREVENT ACCESS ON ELECTRONIC DEVICES THAT ARE LENT TO STUDENTS BY
21 MEANS OF THE INTERNET, THE WORLD WIDE WEB, USENET, OR ANY OTHER
22 INTERACTIVE COMPUTER SERVICE TO MATERIALS THAT ARE OBSCENE OR
23 CONSTITUTE CHILD PORNOGRAPHY; AND

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

26 (D) THE STATE SUPERINTENDENT OR A DESIGNEE OF THE STATE
27 SUPERINTENDENT SHALL REGULARLY MONITOR EACH COUNTY BOARD AND EACH
28 PUBLIC SCHOOL TO DETERMINE WHETHER EACH IS COMPLYING WITH THE POLICIES
29 AND PROCEDURES ADOPTED FOR PREVENTING INTERNET ACCESS TO OBSCENE
30 MATERIALS OR CHILD PORNOGRAPHY ON ELECTRONIC DEVICES THAT ARE LENT TO
31 STUDENTS.

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