

Department of Legislative Services
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FISCAL AND POLICY NOTE
First Reader

House Bill 1375
Ways and Means

(Delegate Parrott, *et al.*)

Public Schools and Libraries - Access to Obscene Materials and Child
Pornography - Prohibited

This bill prohibits a local board of education, a public school, the State Library Resource Center, regional resource centers, metropolitan cooperative service programs, the Maryland Library for the Blind and Physically Handicapped, and county libraries from allowing access to materials that are obscene or constitute child pornography, including access via the use of a wireless Internet connection. These entities must adopt and implement policies and procedures to prevent access to such materials through any interactive computer service and must submit these policies and procedures to the State Superintendent of Schools for review. The State Superintendent, or designee, must regularly monitor these entities to determine if each is complying with the adopted policies and procedures discussed above. The State Superintendent must authorize the State Comptroller to withhold relevant State funds if any of the entities is noncompliant with provisions of the bill.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: None. The Maryland State Department of Education (MSDE) can carry out the required review and monitoring with existing resources.

Local Effect: Local school systems and libraries can comply with the bill's requirements with existing resources.

Small Business Effect: None.

Analysis

Current Law: Pursuant to Chapter 9 of 2000, each county or board of trustees of a county library must adopt and implement policies and procedures to prevent *minors* from obtaining access through the library, by means of the Internet or other interactive computer service, to materials that are obscene or constitute child pornography. The State Superintendent must regularly monitor the county libraries to determine whether each library is complying with the required policies and procedures.

If an educational institution or local board violates provisions of the Education Article under the jurisdiction of the State Superintendent or any bylaws, rules, and regulations of the State Board of Education, the State Superintendent may require the State Comptroller to withhold from that institution or board all or any part of an appropriation made by the General Assembly or of other payment from funds budgeted by the State. The State Superintendent *must* authorize the State Comptroller to withhold State funds from any county that fails to (1) appropriate the amount of its local share of the minimum program or (2) meet the requirements of the law or of the State Board of Education for operating the county library.

Children's Internet Protection Act

The Children's Internet Protection Act (CIPA) imposes requirements on schools or libraries that receive discounts for Internet access or internal connections through the federal e-rate program, a program that makes certain communications services and products more affordable for eligible schools and libraries. Schools and libraries subject to CIPA may not receive the discounts offered by the e-rate program unless they certify that they have an Internet safety policy that includes technology protection measures. The protection measures must block or filter Internet access to pictures that are obscene, child pornography, or harmful to minors (for computers that are accessed by minors).

Schools and libraries subject to CIPA must adopt and implement an Internet safety policy addressing:

- access by minors to inappropriate matter on the Internet;
- the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
- unauthorized access, including "hacking," and other unlawful activities by minors online;
- unauthorized disclosure, use, and dissemination of personal information regarding minors; and
- measures restricting minors' access to materials harmful to them.

Schools subject to CIPA have two additional certification requirements. First, their Internet safety policies must include monitoring the online activities of minors. Second, as required by the Protecting Children in the 21st Century Act, they must provide for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response.

An authorized person may disable the blocking or filtering measure during use by an adult to enable access for bona fide research or other lawful purposes. CIPA does not require the tracking of Internet use by minors or adults.

Local Fiscal Effect: MSDE advises that Maryland public schools and libraries adhere to CIPA. All local school systems have established acceptable use policies for students, teachers, and staff using technology that prohibit access to obscene materials and child pornography. Therefore, it is assumed that these institutions have the capacity to implement the bill's requirements. To the extent that certain libraries covered by the bill are not subject to CIPA, it is assumed that they can meet the bill's requirements using existing resources.

Additional Information

Prior Introductions: HB 1110 of 2014, a similar bill, received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None.

Information Source(s): Federal Communications Commission, Comptroller's Office, Maryland State Department of Education, Department of Legislative Services

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