SENATE BILL 522

By: **Senators Van Hollen, Stone, Conway, Collins, Harris, Pinsky, McCabe,
   and Hollinger**
Introduced and read first time: February 4, 2000
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2   **Public Libraries - Internet Access by Minors - Obscene Materials**

3 FOR the purpose of requiring each county or board of trustees of a county library to
4   adopt and implement policies and procedures for preventing a minor from
5   obtaining access through the library to obscene materials or to child
6   pornography by means of the Internet or certain other interactive computer
7   services; requiring the State Superintendent of Schools to determine that each
8   county or board has adopted and implemented the procedures by a certain date;
9   authorizing the State Superintendent to order, after a certain date, that
10   additional policies and procedures be adopted and implemented; authorizing the
11   State Superintendent to withhold a certain percentage of State funds designated
12   for a county's minimum library program if the county or board of library trustees
13   does not implement the required policies and procedures within a certain period
14   of time; requiring the State Superintendent to regularly monitor county
15   libraries to determine that they are complying with policies and procedures
16   adopted under this Act; defining certain terms; and generally relating to
17   Internet access by minors to obscene materials through a county library.

18 BY adding to
19   Article - Education
20   Section 23-506.1
21   Annotated Code of Maryland
22   (1999 Replacement Volume)

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

25   **Article - Education**

26 23-506.1.

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

1   (2)   "OBSCENE" HAS THE MEANING PROVIDED IN ARTICLE 27, § 419 OF
2 THE CODE.

3   (3)   "CHILD PORNOGRAPHY" HAS THE MEANING PROVIDED IN ARTICLE
4 27, § 419A OF THE CODE.

5   (B)   ON OR BEFORE JANUARY 1, 2001, EACH COUNTY OR BOARD OF TRUSTEES
6 OF A COUNTY LIBRARY SHALL:

7   (1)   ADOPT AND IMPLEMENT POLICIES AND PROCEDURES TO PREVENT
8 MINORS FROM OBTAINING ACCESS THROUGH THE LIBRARY, BY MEANS OF THE
9 INTERNET, THE WORLD WIDE WEB, USENET, OR ANY OTHER INTERACTIVE
10 COMPUTER SERVICE TO MATERIALS THAT ARE OBSCENE OR CONSTITUTE CHILD
11 PORNOGRAPHY.

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

14   (C)   (1)   ON OR BEFORE JULY 1, 2001, THE STATE SUPERINTENDENT SHALL
15 DETERMINE WHETHER EACH COUNTY OR BOARD OF TRUSTEES OF A COUNTY
16 LIBRARY HAS ADOPTED AND IMPLEMENTED THE POLICIES AND PROCEDURES
17 REQUIRED UNDER THIS SECTION.

18   (2)   (I)   AFTER JULY 1, 2001, THE STATE SUPERINTENDENT MAY
19 REQUIRE ANY COUNTY OR BOARD OF TRUSTEES OF A COUNTY LIBRARY TO ADOPT
20 AND IMPLEMENT ADDITIONAL POLICIES AND PROCEDURES TO PREVENT MINORS
21 FROM OBTAINING INTERNET ACCESS TO OBSCENE MATERIALS THROUGH THE
22 LIBRARY.

23   (II)   THE STATE SUPERINTENDENT MAY REQUIRE A COUNTY OR
24 BOARD OF TRUSTEES OF A COUNTY LIBRARY TO ADOPT AND IMPLEMENT THE
25 ADDITIONAL POLICIES AND PROCEDURES WITHIN 30 DAYS.

26   (D)   IF A COUNTY OR A BOARD OF TRUSTEES OF A COUNTY LIBRARY FAILS TO
27 ADOPT AND IMPLEMENT THE ADDITIONAL POLICIES AND PROCEDURES WITHIN 30
28 DAYS, THE STATE SUPERINTENDENT SHALL WITHHOLD PAYMENT OF 10% OF THE
29 STATE FUNDS DESIGNATED FOR THE COUNTY'S MINIMUM LIBRARY PROGRAM UNTIL
30 THE COUNTY OR BOARD COMPLIES.

31   (E)   THE STATE SUPERINTENDENT OR A DESIGNEE OF THE STATE
32 SUPERINTENDENT SHALL REGULARLY MONITOR THE COUNTY LIBRARIES TO
33 DETERMINE WHETHER EACH LIBRARY IS COMPLYING WITH THE POLICIES AND
34 PROCEDURES ADOPTED FOR PREVENTING A MINOR FROM OBTAINING INTERNET
35 ACCESS TO OBSCENE MATERIALS THROUGH THE LIBRARY.

36   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 July 1, 2000.