
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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 2000

CHAPTER _____

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:

1

Article - Education

2 23-506.1.

3 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

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

7 (3) "CHILD PORNOGRAPHY" HAS THE MEANING PROVIDED IN ARTICLE
8 27, § 419A OF THE CODE.

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

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

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

18 (C) ~~(1) ON OR BEFORE JULY 1, 2001, THE STATE SUPERINTENDENT SHALL
19 DETERMINE WHETHER EACH COUNTY OR BOARD OF TRUSTEES OF A COUNTY
20 LIBRARY HAS ADOPTED AND IMPLEMENTED THE POLICIES AND PROCEDURES
21 REQUIRED UNDER THIS SECTION.~~

22 ~~(2) (1) AFTER JULY 1, 2001, THE STATE SUPERINTENDENT MAY
23 REQUIRE ANY COUNTY OR BOARD OF TRUSTEES OF A COUNTY LIBRARY TO ADOPT
24 AND IMPLEMENT ADDITIONAL POLICIES AND PROCEDURES TO PREVENT MINORS
25 FROM OBTAINING INTERNET ACCESS TO OBSCENE MATERIALS THROUGH THE
26 LIBRARY.~~

27 ~~(1) THE STATE SUPERINTENDENT MAY REQUIRE A COUNTY OR
28 BOARD OF TRUSTEES OF A COUNTY LIBRARY TO ADOPT AND IMPLEMENT THE
29 ADDITIONAL POLICIES AND PROCEDURES WITHIN 30 DAYS.~~

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

35 ~~(E) THE STATE SUPERINTENDENT OR A DESIGNEE OF THE STATE
36 SUPERINTENDENT SHALL REGULARLY MONITOR THE COUNTY LIBRARIES TO
37 DETERMINE WHETHER EACH LIBRARY IS COMPLYING WITH THE POLICIES AND~~

1 PROCEDURES ADOPTED FOR PREVENTING A MINOR FROM OBTAINING INTERNET
2 ACCESS TO OBSCENE MATERIALS THROUGH THE LIBRARY.

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