

HOUSE BILL 279

Unofficial Copy
F5

2004 Regular Session
4r0714

By: **Delegates Miller, Amedori, Aumann, Bates, Burns, Cluster, Elliott,
Krebs, McDonough, McHale, McKee, Stocksdale, Stull, and Weldon**

Introduced and read first time: January 26, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Resource Centers and Cooperative Programs - Access by Minors - Obscene**
3 **Materials - Prevention**

4 FOR the purpose of requiring the State Library Resource Center, each regional
5 resource center, and each metropolitan cooperative service program to adopt and
6 implement policies and procedures for preventing a minor from obtaining access
7 to obscene materials or to child pornography by means of Maryland's Public
8 Information Network (Sailor) or certain other interactive computer services;
9 requiring certain resource centers and cooperative programs to provide the
10 Department of Education with certain proof of compliance as a prerequisite for
11 certain funding; defining certain terms; and generally relating to preventing
12 access by minors to obscene materials through services implemented and
13 maintained by certain resource centers and cooperative programs.

14 BY repealing and reenacting, with amendments,
15 Article - Education
16 Section 23-205
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2003 Supplement)

19 BY adding to
20 Article - Education
21 Section 23-207
22 Annotated Code of Maryland
23 (2001 Replacement Volume and 2003 Supplement)

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

1

Article - Education

2 23-205.

3 (a) Each year, the Department may include in its budget operating funds for:

4 (1) The State Library Resource Center;

5 (2) Each regional resource center; and

6 (3) Each metropolitan cooperative service program.

7 (b) (1) The State shall pay all capital expenses for:

8 (i) The State Library Resource Center; and

9 (ii) Each regional resource center.

10 (2) Before any money is spent under this subsection, the appropriate
11 board of library trustees shall:

12 (i) Have the project approved by the Department;

13 (ii) Through the Department, submit the request to the
14 Department of Budget and Management for consideration under Subtitle 6, Title 3 of
15 the State Finance and Procurement Article; [and]16 (iii) Agree to reimburse the Department an amount the Department
17 determines if the facility ceases to be used for a resource center or cooperative service
18 program; AND19 (IV) SUBMIT TO THE DEPARTMENT PROOF OF COMPLIANCE WITH §
20 23-207 OF THIS SUBTITLE.21 (c) (1) Each year each participating regional resource center shall receive a
22 minimum amount of funding for each resident of the area served, to be used for
23 operating and capital expenses.

24 (2) The allocation shall be calculated as follows:

25 (i) For fiscal year 2001 \$1.70 per each resident of the
26 area served;27 (ii) For fiscal year 2002 \$3.50 per each resident of the
28 area served;29 (iii) For fiscal year 2003 \$4.00 per each resident of the
30 area served; and31 (iv) For fiscal year 2004 and each fiscal year thereafter \$4.50
32 per each resident of the area served.

1 (d) (1) Each year the State Library Resource Center shall receive a
2 minimum amount of funding for each State resident in the previous fiscal year, to be
3 used for operating and capital expenses.

4 (2) The allocation shall be calculated as follows:

5 (i) For fiscal year 2001 \$1.35 per State resident;

6 (ii) For fiscal year 2002 \$1.55 per State resident;

7 (iii) For fiscal year 2003 \$1.70 per State resident; and

8 (iv) For fiscal year 2004 and each fiscal year thereafter \$1.85 per
9 State resident.

10 (e) (1) The Department shall:

11 (i) Disburse funds to the State and regional resource centers and
12 metropolitan cooperative service programs; and

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

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

18 23-207.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (2) "CHILD PORNOGRAPHY" INCLUDES THE PHOTOGRAPHS, FILMS,
22 DEPICTIONS, DESCRIPTIONS, IMAGES, AND REPRESENTATIONS OF ACTIVITIES THAT
23 ARE DESCRIBED IN § 11-207 OF THE CRIMINAL LAW ARTICLE.

24 (3) "OBSCENE" HAS THE MEANING PROVIDED IN § 11-203 OF THE
25 CRIMINAL LAW ARTICLE.

26 (B) ON OR BEFORE JANUARY 1, 2005, THE STATE LIBRARY RESEARCH CENTER,
27 EACH REGIONAL RESOURCE CENTER, AND EACH METROPOLITAN COOPERATIVE
28 SERVICE PROGRAM SHALL:

29 (1) ADOPT AND IMPLEMENT POLICIES AND PROCEDURES TO PREVENT A
30 MINOR FROM OBTAINING ACCESS THROUGH MARYLAND'S PUBLIC INFORMATION
31 NETWORK (SAILOR) OR ANY OTHER INTERACTIVE COMPUTER SERVICE
32 IMPLEMENTED AND MAINTAINED BY THE STATE LIBRARY RESOURCE CENTER, A
33 REGIONAL RESOURCE CENTER, OR A METROPOLITAN COOPERATIVE SERVICE
34 PROGRAM TO MATERIALS THAT ARE OBSCENE OR CONSTITUTE CHILD
35 PORNOGRAPHY; AND

1 (2) SUBMIT THE POLICIES AND PROCEDURES REQUIRED UNDER THIS
2 SECTION TO THE DEPARTMENT FOR APPROVAL AS REQUIRED UNDER § 23-205(B)(2)
3 OF THIS SUBTITLE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
5 effect July 1, 2004.