

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2491** Session of  
2000

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E. Z. TAYLOR, TIGUE, TRELLO, TULLI, WILT, WOJNAROSKI, WRIGHT  
AND YOUNGBLOOD, APRIL 24, 2000

REFERRED TO COMMITTEE ON EDUCATION, APRIL 24, 2000

AN ACT

1 Requiring libraries to establish a program to monitor and  
2 control Internet access by users; establishing the Internet  
3 Content Control Software Fund and its funding source; and  
4 providing for powers and duties of the Department of  
5 Education.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Library  
10 Information Access Act.

11 Section 2. Declaration of policy.

12 The General Assembly finds and declares as follows:

13 (1) Free access to information is an essential  
14 ingredient in a free and democratic society.

15 (2) Free access to information is a hallmark of our

1 society, distinguishing it from some others in the world  
2 which do not enjoy the freedoms that American citizens too  
3 often take for granted.

4 (3) Libraries serve as a focal point in communities  
5 throughout this Commonwealth where free information is  
6 available for people of all ages to learn, read, study and  
7 connect with a vast wealth of information, entertainment and  
8 knowledge from a wide variety of sources.

9 (4) The wealth of information contained at libraries has  
10 expanded exponentially with the advent of the Internet.

11 (5) Libraries may be the only source of access to the  
12 Internet for some members of society.

13 (6) Various organizations and advertisers make  
14 available, via the Internet, information advocating drug,  
15 alcohol and tobacco use and obscene materials, pornography  
16 and materials harmful to child Internet users.

17 (7) There is a need to balance the goal of providing  
18 free access to educationally suitable information sources on  
19 the Internet against the compelling need and duty to protect  
20 children from sexual predators and access to obscene  
21 material, pornography and harmful materials to minors.

22 (8) This act empowers the Department of Education to  
23 adopt policies for the use of Internet content control  
24 software to block access by minors to Internet sites that are  
25 inappropriate for viewing and use.

### 26 Section 3. Definitions.

27 The following words and phrases when used in this act shall  
28 have the meanings given to them in this section unless the  
29 context clearly indicates otherwise:

30 "Acceptable use policy." A policy for Internet usage which

1 is acceptable to and adopted by either a school board or  
2 governing body of a library.

3 "Department." The Department of Education of the  
4 Commonwealth.

5 "Drug." Any controlled substance as well as the substance  
6 used for other than its primary purpose to alter an individual's  
7 state of mind. The term includes prescription drugs when used  
8 other than for their primary purpose.

9 "Gross depiction." A picture, descriptive text or audio  
10 communication of any individual or anything that is crudely  
11 vulgar or grossly deficient in civility or which shows  
12 scatological impropriety. The term includes depictions such as  
13 maiming, bloody figures or indecent depiction of bodily  
14 functions.

15 "Harmful to minors." As defined in 18 Pa.C.S. § 5903  
16 (relating to obscene and other sexual materials and  
17 performances).

18 "Internet." The international nonproprietary computer  
19 network of both Federal and non-Federal interoperable packet-  
20 switched data network.

21 "Internet content control software." A special type of  
22 filtering program designed to reject Internet sites not suitable  
23 for minors. The software may screen sites by word content, site  
24 rating or by uniform resource locator (URL), using an updated  
25 database of objectionable sites or any combination of these  
26 techniques for the purpose of blocking the viewing of  
27 undesirable Internet content.

28 "Library." Literary and artistic institutions supported by  
29 public funds, public school libraries and libraries of a public  
30 institution of higher learning in which informational materials,

1 such as books, periodicals, newspapers and recordings are kept  
2 for reading, reference or lending.

3 "Obscene." As defined in 18 Pa.C.S. § 5903 (relating to  
4 obscene and other sexual materials and performances).

5 "Parity nudity." Exposure of the female breast or male or  
6 female buttocks, except when exposing genitalia.

7 "Pornographic." Obscene pictures, writing or other material  
8 that is sexually explicit and intended to arouse sexual passion.

9 "Profanity." Obscene words or phrases.

10 "Secretary." The Secretary of Education of the Commonwealth.

11 "Violence." Extreme cruelty, physical or emotional acts  
12 against any animal or person which is primarily intended to hurt  
13 or inflict pain.

#### 14 Section 4. Library Internet policies.

15 (a) Acceptable-use policy.--Within 180 days after the  
16 effective date of this section, the governing body of every  
17 library shall establish an acceptable-use policy for the  
18 Internet. The policy shall contain provisions which:

19 (1) Are reasonably designed to prevent and prohibit any  
20 child under 17 years of age from using the library's computer  
21 equipment and communication services for sending, receiving,  
22 viewing or downloading material, the character of which is  
23 such that it is reasonably believed to be obscene,  
24 pornographic or harmful to minors.

25 (2) Prohibit any person from using the library's  
26 computer equipment and communications services for sending,  
27 receiving, viewing or downloading material, the character of  
28 which is such that it is reasonably believed to be obscene,  
29 pornographic or harmful to minors.

30 (3) Establish appropriate measures to be taken against

persons who willfully violate the policy.

(b) Content of policy.--At a minimum, each library's policy shall clearly state what types of information shall be blocked from user access. The policy may prohibit access by users to the following:

(1) Obscenity.

(2) Gross depictions.

(3) Depictions of sexual acts.

(4) Depictions of full and partial nudity.

(5) Information encouraging or advocating satanic cults, intolerance, militant or extremist behavior, violence or profanity and the sale, consumption or production of illicit drugs, alcohol or tobacco products.

(c) Implementation and enforcement of policy.--The governing body of the library shall take such steps as it deems appropriate to implement and enforce the library's policy. These steps shall include, but need not be limited to, the following:

(1) use of software programs designed to block access by persons under 17 years of age to material, the character of which is such that it is reasonably believed to be obscene, pornographic, or harmful to minors and to block access by any person to material, the character of which is reasonably believed to be obscene or pornographic;

(2) selection of on-line servers that block access by any person to material, the character of which is such that it is reasonably believed to be obscene or pornographic and to block access to any child under 17 years of age to material, the character of which is such that it is reasonably believed to be obscene, pornographic or harmful to minors; or

(3) placement of computers for the use only by persons 17 years of age or older at locations that are restricted to such persons.

Section 5. Grants to libraries.

The department may, upon written application, award grants to school districts from the Internet Content Control Software Fund for the purchase of Internet content control software authorized by this act. A grant awarded under this section shall be subject to such terms and conditions as established by the department.

Section 6. Internet Content Control Software Fund.

(a) Fund established.--There is hereby established as a separate fund in the State Treasury a special fund to be known as the Internet Content Control Software Fund.

(b) Continuing appropriation.--Within 30 days of the close of any calendar month, 0.151% of tax receipts under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall be transferred into the Internet Content Control Software Fund. The Department of Education shall administer the fund. Moneys in the fund are hereby appropriated to the Department of Education on a continuing basis for the purposes of providing grants to school districts for the purchase of Internet content control software.

Section 7. Administrator responsibilities.

Each library's policy shall designate a person who shall act as an administrator of the program. This person shall be responsible for determining which Internet sites are inappropriate for use and viewing by students in that library. The administrator shall also be responsible for network security, installing new applications, distributing software upgrades, monitoring daily activity, enforcing licensing

1 agreements, developing a storage management program and  
2 providing for routine backups.

3 Section 8. Powers and duties of department.

4 The department shall consult with and assist any library that  
5 requests such assistance in the development and implementation  
6 of an acceptable Internet access policy under this act.

7 Section 9. Reports.

8 (a) Copy of policy to be filed.--Within 185 days after the  
9 effective date of this act, the superintendent of each school  
10 district or the chief administrative officer of each library  
11 shall file with the secretary a copy of the acceptable-use  
12 policy of the library that has been adopted under this act. Each  
13 revision to the acceptable-use policy shall be transmitted to  
14 the secretary.

15 (b) Report to General Assembly.--Within 90 days after the  
16 deadline for initial filing under subsection (a) and in December  
17 of each subsequent year, the secretary shall submit a report to  
18 the chairman and the minority chairman of the Education  
19 Committee of the Senate and the chairman and minority chairman  
20 of the Education Committee of the House of Representative which  
21 summarizes the acceptable-use policies and any revisions thereof  
22 filed with the secretary under this act.

23 Section 10. Enforcement.

24 (a) Review of acceptable-use policy.--The secretary shall  
25 review each acceptable-use policy filed under this act and each  
26 revision and shall disapprove any policy or revision that is not  
27 reasonably designed to achieve the purposes of this act.

28 (b) Revision of policy.--Except as otherwise provided in  
29 subsection (c), no revision of an acceptable-use policy shall be  
30 implemented until the revision is approved by the secretary. If

1 the secretary fails to disapprove the revision within 60 days  
2 after submission, the library may proceed with the  
3 implementation of the revision of its acceptable-use policy.

4 (c) Constitutional defect.--A library may cease to implement  
5 any portion of its acceptable-use policy and implement a revised  
6 policy immediately upon the submission of a revised policy to  
7 the secretary, together with a written opinion from the  
8 solicitor or other legal counsel for the public library or  
9 school district advising that the revision is necessary to  
10 correct a constitutional defect in the acceptable-use policy.  
11 The secretary shall approve or disapprove review of a revised  
12 policy submitted under this subsection within 60 days of  
13 submission.

14 (d) Withholding of funding.--The secretary shall withhold  
15 State funding from any library that fails to submit an  
16 acceptable-use policy within the time prescribed in this act or  
17 which submits an acceptable-use policy or any required revision  
18 that is not reasonably designed to achieve the purposes of this  
19 act.

20 Section 11. Repeal.

21 All acts and parts of acts are repealed insofar as they are  
22 inconsistent with this act.

23 Section 12. Effective date.

24 This act shall take effect in 60 days.