

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 187 Session of 2023

INTRODUCED BY J. WARD, COLLETT, PHILLIPS-HILL, DUSH,
SANTARSIERO, SCHWANK, BROWN, MASTRIANO, TARTAGLIONE, COMMITTA,
STEFANO AND ROBINSON, FEBRUARY 10, 2023

REFERRED TO JUDICIARY, FEBRUARY 10, 2023

AN ACT

1 Amending the act of November 30, 2004 (P.L.1556, No.197),
2 entitled "An act providing for protection of children from
3 obscene material, child pornography and other material that
4 is harmful to minors on the Internet in public schools and
5 public libraries; and providing for the duties of the
6 Secretary of Education," further providing for title and for
7 definitions; and making editorial changes.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The title and section 2(1), (2) and (3) of the
11 act of November 30, 2004 (P.L.1556, No.197), known as the Child
12 Internet Protection Act, are amended to read:

AN ACT

14 Providing for protection of children from obscene material,
15 child [pornography] sexual abuse material and other material
16 that is harmful to minors on the Internet in public schools
17 and public libraries; and providing for the duties of the
18 Secretary of Education.

19 Section 2. Declaration of policy.

20 The General Assembly finds and declares as follows:

1 (1) The Commonwealth has a compelling interest and duty
2 to protect children from exposure to obscenity, child
3 [pornography] sexual abuse material and other material that
4 is harmful to minors.

5 (2) The Commonwealth has a compelling interest in
6 preventing any user from accessing obscene material and child
7 [pornography] sexual abuse material within a public school or
8 public library setting.

9 (3) There is a need to balance the goal of providing
10 free access to educationally suitable information sources on
11 the Internet against the compelling need and duty to protect
12 children from contact with sexual predators and from access
13 to obscene material, child [pornography] sexual abuse
14 material and material harmful to children.

15 * * *

16 Section 2. The definition of "child pornography" in section
17 3 of the act is amended and the section is amended by adding a
18 definition to read:

19 Section 3. Definitions.

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

23 * * *

24 "Child pornography." [As described in 18 Pa.C.S. § 6312
25 (relating to sexual abuse of children).] The term shall have the
26 same meaning as child sexual abuse material.

27 "Child sexual abuse material." As described in 18 Pa.C.S. §
28 6312 (relating to sexual abuse of children).

29 * * *

30 Section 3. Sections 4(a)(1) and (b) and 5 of the act are

1 amended to read:

2 Section 4. School entity Internet policies.

3 (a) Acceptable-use policy.--Within 180 days after the
4 effective date of this act, each school board shall adopt an
5 acceptable-use policy for the Internet. At a minimum, the policy
6 shall contain provisions which are reasonably designed to:

7 (1) Prevent students and employees of the school entity
8 from using any computer equipment and communications services
9 owned or leased by the school entity for sending, receiving,
10 viewing or downloading visual depictions of obscenity, child
11 [pornography] sexual abuse material or material that is
12 harmful to minors.

13 * * *

14 (b) Implementation and enforcement.--The school board shall
15 take such steps as it deems appropriate to implement and enforce
16 the school entity's policy, which shall include, but need not be
17 limited to:

18 (1) use of software programs reasonably designed to
19 block access to visual depictions of obscenity, child
20 [pornography] sexual abuse material or material that is
21 harmful to minors; or

22 (2) selection of online servers that block access to
23 visual depictions of obscenity, child [pornography] sexual
24 abuse material or material that is harmful to minors.

25 * * *

26 Section 5. Public library Internet policies.

27 (a) Acceptable-use policy.--Within 180 days after the
28 effective date of this act, the governing body of each public
29 library shall adopt an acceptable-use policy for the Internet.
30 At a minimum, the policy shall contain provisions which are

1 reasonably designed to:

2 (1) Prevent library patrons, including those patrons
3 under 18 years of age and library employees, from using the
4 library's computer equipment and communications services for
5 sending, receiving, viewing or downloading visual depictions
6 of obscenity, child [pornography] sexual abuse material or
7 material that is harmful to minors.

8 (2) Establish appropriate measures to be taken against
9 library patrons and employees who willfully violate the
10 policy.

11 (b) Implementation and enforcement of policy.--The governing
12 body of the public library shall take such steps as it deems
13 appropriate to implement and enforce the requirements of
14 subsection (a). These steps shall include, but need not be
15 limited to, the following:

16 (1) the use of software programs designed to block
17 access by library patrons and employees to visual depictions
18 of obscenity, child [pornography] sexual abuse material or
19 material that is harmful to minors; or

20 (2) the selection of online servers that block access by
21 library patrons and employees to visual depictions of
22 obscenity, child [pornography] sexual abuse material or
23 material that is harmful to minors.

24 (c) Immunity.--A public library shall not be subject to
25 civil liability for damages to any person as a result of the
26 failure of any approved software program or approved online
27 server to block access to visual depictions of obscenity, child
28 [pornography] sexual abuse material or material that is harmful
29 to minors. Nothing in this section shall be deemed to abrogate
30 or lessen any immunity or other protection against liability

1 accorded to public libraries under existing law or court
2 decision.

3 Section 4. This act shall take effect in 60 days.