

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2222:

Balkman

AS INTRODUCED

An Act relating to public libraries; stating legislative intent; requiring public libraries to have an Internet safety policy; requiring policies to have technology protection measures that protect against access to certain visual depictions; providing for certain enforcement of policy; allowing libraries to limit access to other material; authorizing libraries to disable technology protection measures for certain types of research and use; providing definitions; providing for noncodification; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

It is the intent of the Legislature to continue addressing the previously recognized problem of access to obscene material on computers owned or operated by public entities that continues to be a threat to Oklahoma families. In 1996 the Legislature first recognized this problem and directed, through passage of House Concurrent Resolution No. 1097, that state agencies and institutions within The Oklahoma State System of Higher Education adopt policies prohibiting the acquisition, storage, or distribution of obscene material, to take immediate action to have removed from their computers and computer systems all obscene material, and to take all reasonable action to block access to obscene material via computers and computer systems. Not only is it a continuing problem that threatens Oklahoma families, it also poses a potential financial

threat to public entities that may face lawsuits filed by persons exposed to obscene material but also may face lawsuits filed by employees that claim a hostile workplace because of being subjected to such material at work. Therefore, the Legislature declares that this act is necessary to ensure that public equipment or funds are not used to access, acquire, store, or distribute such material and public entities are protected from potential lawsuits.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-106 of Title 65, unless there is created a duplication in numbering, reads as follows:

A. Beginning January 1, 2005, any library which is in whole or in part supported by public funds including but not limited to public, academic, school, or special libraries shall have in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any computer with Internet access that:

1. Protects against access by adults through such computer to visual depictions that are:

- a. obscene, or
- b. child pornography; and

2. Protects against access by minors through such computer to visual depictions that are:

- a. obscene,
- b. child pornography, or
- c. harmful to minors.

B. Each library shall enforce the operation of technology protection measures as required in this section during any use of computers with Internet access.

C. The requirements of this section shall not prohibit a library from limiting Internet access to or otherwise protecting against materials in addition to those referred to in subsection A of this section.

D. A library may disable a technology protection measure to enable access only for a purpose and in a manner that is in accordance with the federal Children's Internet Protection Act, P.L. 106-554 and any regulations promulgated pursuant thereto.

E. As used in this section:

1. "Technology protection measure" means a specific technology that blocks or filters Internet access;

2. "Child pornography" has the meaning given the term in subsection A of Section 1024.1 of Title 21 of the Oklahoma Statutes;

3. "Harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

a. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion,

b. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals, and

c. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors; and

4. "Obscene" has the same meaning given the term "obscene material" in paragraph 1 of subsection B of Section 1024.1 of Title 21 of the Oklahoma Statutes.

SECTION 3. This act shall become effective October 1, 2004.

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