

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL 322

By: Seifried of the Senate

and

McBride, Hefner, Alonso-  
Sandoval, and Waldron of  
the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to libraries; amending Section 1,  
Chapter 280, O.S.L. 2022 (70 O.S. Supp. 2022, Section  
11-202), which relates to digital or online library  
database resources; updating statutory language;  
providing certain construction; providing an  
effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 280, O.S.L.  
2022 (70 O.S. Supp. 2022, Section 11-202), is amended to read as  
follows:

Section 11-202. A. A school district, charter school, virtual  
charter school, state agency, public library, or ~~university~~  
institution of higher education within The Oklahoma State System of  
Higher Education may offer digital or online library database  
resources to students in kindergarten through twelfth grade only if

1 the vendor, person, or entity providing the resources verifies that  
2 all the resources comply with the provisions of subsection B of this  
3 section.

4 B. Digital or online library database resources offered by  
5 school districts, charter schools, virtual charter schools, state  
6 agencies, public libraries, or universities to students in  
7 kindergarten through twelfth grade shall have safety policies and  
8 technology protection measures that:

9 1. Prohibit and prevent a user of the resource from sending,  
10 receiving, viewing, or downloading materials that are child  
11 pornography or obscene materials, as defined in Section 1024.1 of  
12 Title 21 of the Oklahoma Statutes, or materials that depict child  
13 sexual exploitation, as defined in Section 843.5 of Title 21 of the  
14 Oklahoma Statutes; and

15 2. Filter or block access to child pornography or obscene  
16 materials, as defined in Section 1024.1 of Title 21 of the Oklahoma  
17 Statutes, or materials that depict child sexual exploitation, as  
18 defined in Section 843.5 of Title 21 of the Oklahoma Statutes.

19 C. Notwithstanding any contract provision to the contrary, if a  
20 provider of digital or online library resources fails to comply with  
21 the requirements of subsection B of this section, the school  
22 district, public charter school, state agency, public library, or  
23 ~~university~~ institution of higher education shall withhold further  
24

1 payments, if any, to the provider pending verification of  
2 compliance.

3 D. If a provider of digital or online library database  
4 resources fails to timely verify that the provider is in compliance  
5 with the safety policies and requirements of subsection B of this  
6 section, the school district, public charter school, state agency,  
7 public library, or ~~university~~ institution of higher education shall  
8 consider the provider's act of noncompliance a breach of contract.

9 E. No later than December 1 of each year, libraries shall  
10 submit to the Speaker of the ~~Oklahoma~~ House of Representatives and  
11 President Pro Tempore of the ~~Oklahoma State~~ Senate an aggregate  
12 written report on any issues related to provider compliance with  
13 technology protection measures required by subsection B of this  
14 section.

15 F. Employees of school districts, charter schools, virtual  
16 charter schools, state agencies, public libraries, and universities  
17 shall not be exempt from prosecution for willful violations of state  
18 law prohibiting indecent exposure to obscene material or child  
19 pornography as provided in Section 1021 of Title 21 of the Oklahoma  
20 Statutes.

21 G. Nothing in this act shall be construed in a manner that  
22 applies to digital or online library database resources offered by  
23 institutions of higher education when the primary purpose of the  
24 resources is for education or research.

SECTION 2. This act shall become effective July 1, 2023.

SECTION 3. It being immediately necessary for the preservation of the public peace, health, or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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