

SENATE BILL No. 104

By Senator Abrams

1-31

1 AN ACT creating the Kansas children's internet protection act.

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3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. (a) Any school district that provides public access to a
5 computer shall implement and enforce technology protection measures to
6 ensure that no minor has access to visual depictions that are child
7 pornography, harmful to minors or obscene. Each board of education shall
8 adopt policies for the enforcement of this subsection. Such policies and
9 any standards or rules promulgated pursuant to such policies shall be made
10 available to the public.

11 (b) (1) Any public library that provides public access to a computer
12 shall implement and enforce technology protection measures to:

13 (A) Ensure that no minor has access to visual depictions that are child
14 pornography, harmful to minors or obscene; and

15 (B) ensure that no person has access to visual depictions that are child
16 pornography or obscene.

17 (2) An employee of a public library may disable a technology
18 protection measure if:

19 (A) Requested to do so by a library patron who is not a minor; and

20 (B) the technology protection measure is disabled only to enable
21 access for legitimate research or other lawful purpose.

22 (c) The state librarian shall establish standards and promulgate rules
23 and regulations for the enforcement of the provisions of subsection (b).
24 Such standards and rules and regulations shall be distributed to the public
25 libraries in this state, posted in a conspicuous place in such public libraries
26 and made available to the public.

27 (d) The governing body of each public library shall adopt a policy to
28 implement and enforce the provisions of subsection (b) in accordance with
29 the standards and rules and regulations described in subsection (c). Such
30 policy shall be reviewed at least once every three years by such governing
31 body and shall:

32 (1) State that the purpose of the policy is to restrict access to those
33 materials that are child pornography, harmful to minors or obscene;

34 (2) provide how such public library will meet the requirements of this
35 section;

36 (3) require such public library to inform its patrons of the standards

1 and rules and regulations that library employees follow to enforce the
2 provisions of this section; and

3 (4) require such public library to inform its patrons that procedures
4 for the submission of complaints about the standards and rules and
5 regulations, the enforcement thereof, or observed patron behavior, have
6 been adopted and are available for review.

7 (e) Any school district or public library that is in compliance with the
8 provisions of this section shall not be liable for any damages arising out of
9 or related to a minor gaining access to visual depictions that are child
10 pornography, harmful to minors or obscene through the use of a computer
11 that is owned or controlled by such school district or public library.

12 (f) As used in this section:

13 (1) "Board of education" means the board of education of any school
14 district;

15 (2) "child pornography" means a visual depiction of a minor shown
16 or heard engaging in sexually explicit conduct with intent to arouse or
17 satisfy the sexual desires or appeal to the prurient interest of the offender
18 or any other person;

19 (3) "harmful to minors" shall have the same meaning as that term is
20 defined in K.S.A. 2012 Supp. 21-6402, and amendments thereto;

21 (4) "minor" means any person under 18 years of age;

22 (5) "obscene" shall have the same meaning as that term is defined in
23 K.S.A. 2012 Supp. 21-6401, and amendments thereto;

24 (6) "public library" means any library established pursuant to article
25 12 of chapter 12 of the Kansas Statutes Annotated, and amendments
26 thereto, and any other library which serves the general public and is
27 funded in whole or in part from moneys derived from tax levies;

28 (7) "school district" means any public school district organized under
29 the laws of this state;

30 (8) "technology protection measure" means any computer technology
31 *or other process* that blocks or filters online access to visual depictions;
32 and

33 (9) "visual depiction" shall have the same meaning as that term is
34 defined in K.S.A. 2012 Supp. 21-5510, and amendments thereto.

35 (g) This act shall be known and may be cited as the Kansas children's
36 internet protection act.

37 Sec. 2. This act shall take effect and be in force from and after its
38 publication in the statute book.