

As Amended by House Committee

As Amended by Senate Committee

Session of 2013

SENATE BILL No. 104

By Senator Abrams

1-31

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

2

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

4 Section 1. (a) **(1)** 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~~ **paragraph**. Such
9 policies and any standards or rules promulgated pursuant to such policies
10 shall be made available to the public.

11 **(2) Any accredited nonpublic school that provides any minor with**
12 **access to a computer shall implement and enforce technology**
13 **protection measures to ensure that no minor has access to visual**
14 **depictions that are child pornography, harmful to minors or obscene.**
15 **Each governing body of a nonpublic school shall adopt policies for the**
16 **enforcement of this paragraph. Such policies and any standards or**
17 **rules promulgated pursuant to such policies shall be made available to**
18 **the public.**

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

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

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

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

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

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

30 (c) The state librarian shall establish standards and promulgate rules
31 and regulations for the enforcement of the provisions of subsection (b).
32 Such standards and rules and regulations shall be distributed to the public
33 libraries in this state, posted in a conspicuous place in such public libraries
34 and made available to the public.

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

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

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

10 (3) require such public library to inform its patrons of the standards
11 and rules and regulations that library employees follow to enforce the
12 provisions of this section; and

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

17 (e) Any school district, **accredited nonpublic school** or public
18 library that is in compliance with the provisions of this section shall not be
19 liable for any damages arising out of or related to a minor gaining access
20 to visual depictions that are child pornography, harmful to minors or
21 obscene through the use of a computer that is owned or controlled by such
22 school district, **accredited nonpublic school** or public library.

23 (f) As used in this section:

24 **(1) "Accredited nonpublic school" means any nonpublic school**
25 **which offers instruction for kindergarten or any of the grades one**
26 **through 12 and is accredited by the state board of education;**

27 ~~(2)~~ **(2) "board of education" means the board of education of any**
28 **school district;**

29 ~~(3)~~ **(3) "child pornography" means a visual depiction of a minor**
30 **shown or heard engaging in sexually explicit conduct with intent to arouse**
31 **or satisfy the sexual desires or appeal to the prurient interest of the**
32 **offender or any other person;**

33 ~~(4)~~ **(4) "harmful to minors" shall have the same meaning as that term**
34 **is defined in K.S.A. 2012 Supp. 21-6402, and amendments thereto;**

35 ~~(5)~~ **(5) "minor" means any person under 18 years of age;**

36 ~~(6)~~ **(6) "obscene" shall have the same meaning as that term is defined**
37 **in K.S.A. 2012 Supp. 21-6401, and amendments thereto;**

38 ~~(7)~~ **(7) "public library" means any library established pursuant to**
39 **article 12 of chapter 12 of the Kansas Statutes Annotated, and amendments**
40 **thereto, and any other library which serves the general public and is**
41 **funded in whole or in part from moneys derived from tax levies;**

42 ~~(8)~~ **(8) "school district" means any public school district organized**
43 **under the laws of this state;**

1 ~~(8)~~ **(9)** "technology protection measure" means any computer
2 technology *or other process* that blocks or filters online access to visual
3 depictions; and

4 ~~(9)~~ **(10)** "visual depiction" shall have the same meaning as that term
5 is defined in K.S.A. 2012 Supp. 21-5510, and amendments thereto.

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

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