

HOUSE BILL No. 2420

By Committee on Federal and State Affairs

2-27

AN ACT enacting the children's internet protection act; prohibiting certain acts and providing remedies for violations.

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

Section 1. (a) As used in this section:

(1) "Electronic material harmful to minors" means any electronic source of print, picture, figure, image, description, film or recording which is harmful to minors, as defined in K.S.A. 21-4301c, and amendments thereto. Such material includes, but is not limited to, electronic material which is reasonably believed to be obscene, child pornography, conducive to the creation of a hostile or dangerous library environment, pervasively vulgar or sexually harassing in the library environment, all as defined by any applicable state or federal laws and policies adopted pursuant to this section.

(2) "Internet filtering device" means a device which prevents access or exposure to internet web sites which contain or make reference to electronic material harmful to minors.

(3) "Library" means any library supported in whole or in part by public moneys.

(4) "Minor" means any unmarried person under 18 years of age.

(b) (1) No library, or any officer, employee or agent thereof, shall intentionally: (A) Display or distribute to any minor electronic material harmful to minors; or (B) possess electronic material harmful to minors with the intent to display such material to any minor.

(2) Any resident of a city, county, township or library district maintaining a library may bring an action for mandamus or injunction in any court of competent jurisdiction to enforce the provisions of subsection (b)(1) in accordance with the provisions of articles 8 and 9 of the Kansas Statutes Annotated, and amendments thereto. Any such action may be brought against such library, or the administrative head, members of the governing body or any employee thereof; or against the city, county, township or library district maintaining the library, or the chief executive officer or governing body thereof. Trial shall be to the court without a jury and the court may grant any one or more of the remedies provided in articles 8 and 9 of the Kansas Statutes Annotated, and amendments

1 thereto.

2 (c) Every library shall install internet filtering devices on all of such
3 library's computers used by minors to access internet web sites.

4 (d) Lack of knowledge of age or marital status shall not constitute a
5 defense in any action pursuant to this section unless the defendant had
6 reasonable cause to believe that the minor involved was 18 or more years
7 of age and: (A) Such minor exhibited to the defendant a draft card, driver's
8 license, birth certificate or other official or apparently official document
9 purporting to establish that such minor was 18 years old or more; or (B)
10 the parent or guardian provided the defendant written consent for such
11 minor to have access to the internet without an internet filtering device.

12 (e) The provisions of this section shall not be construed to:

13 (1) Prohibit any adult from having unfiltered or unrestricted access
14 to the internet or an online service; or

15 (2) preempt the regulation of obscenity by municipalities.

16 (f) If any provision of this act or the application thereof to any person
17 or circumstance is held invalid, such invalidity shall not affect other pro-
18 visions on applications of the act which can be given effect without the
19 invalid provision or application. To this end the provisions of this act are
20 severable.

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

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