

HOUSE BILL No. 2353

By Committee on Judiciary

2-8

9 AN ACT enacting the children's internet protection act; prohibiting cer-
10 tain acts and providing remedies for violations.

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

13 Section 1. (a) This section may be cited as the children's internet
14 protection act.

15 (b) As used in this section:

16 (1) "Electronic material harmful to minors" means any electronic
17 source of print, picture, figure, image, description, film or recording
18 which is harmful to minors, as defined in K.S.A. 21-4301c, and amend-
19 ments thereto.

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

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

24 (4) "Public library" means any library maintained by a city, county,
25 township or library district, or any combination thereof, and supported
26 in whole or in part by public moneys.

27 (c) Except as provided by subsection (d), every public library shall
28 require use of internet filtering technology for any of such library's com-
29 puters while such computer is being used by a minor. Any such filtering
30 technology installed on or after the effective date of this act shall have a
31 filtering effectiveness rating of not less than 80%.

32 (d) A public library, or an officer, employee or agent thereof, may
33 allow a minor to use a library computer for which internet filtering tech-
34 nology is not provided if the parent or guardian of such minor has given
35 the library written consent for such minor to have access to the internet
36 without use of internet filtering technology.

37 (e) No public library shall check out or issue any video, DVD, film
38 or other material in a visual medium to:

39 (1) A person who, under the voluntary movie rating system of the
40 motion picture association of America, would not be admitted to view
41 such video, DVD, film or other material; or

42 (2) a person who is unaccompanied by a parent or adult guardian and
43 who, under the voluntary movie rating system of the motion picture as-

1 sociation of America, would be required to be accompanied by a parent
2 or adult guardian to be admitted to view such video, DVD, film or other
3 material.

4 (f) The provisions of this section shall not be construed to:

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

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

8 (g) If any provision of this act or the application thereof to any person
9 or circumstance is held invalid, such invalidity shall not affect other pro-
10 visions on applications of the act which can be given effect without the
11 invalid provision or application. To this end the provisions of this act are
12 severable.

13 Sec. 2. (a) Prior to receiving any grant-in-aid for calendar year 2006
14 pursuant to the state grants-in-aid to libraries act, a library shall certify to
15 the state librarian that the library is undertaking action to comply with
16 the provisions of section 1, and amendments thereto.

17 (b) Prior to receiving any grant-in-aid for calendar year 2007, or any
18 calendar year thereafter, pursuant to the state grants-in-aid to libraries
19 act, a library shall certify to the state librarian that the library is in com-
20 pliance with the provisions of section 1, and amendments thereto.

21 (c) If a library fails to submit certification as required by this section,
22 the library shall be ineligible to receive any grant-in-aid pursuant to the
23 state grants-in-aid to libraries act until the library certifies such
24 compliance.

25 (d) This section shall be part of and supplemental to the state grants-
26 in-aid to libraries act.

27 Sec. 3. This act shall take effect and be in force from and after its
28 publication in the statute book.