

SESSION OF 2004

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2420**

As Amended by House Committee of the Whole

Brief*

Sub. for HB 2420 would enact the "Children's Internet Protection Act." The bill would require any library maintained by a city, county, township, or library district to require the use of Internet filtering technology for any library computer used by a minor. A minor's parent or guardian could provide written consent to the library for the minor to have access to the Internet without use of this filtering technology. Internet filtering technology is defined as a device which reduces access to Internet websites which contain electronic material harmful to minors, as defined in the promoting obscenity to minors criminal statute.

The county or district attorney could bring a court action for mandamus or injunction to enforce the act. The act is not to be construed to prohibit any adult from having unrestricted access to the Internet, or to preempt the regulation of obscenity by municipalities.

The House Committee of the Whole amended the bill to:

- ! Prohibit any public library from checking out an R-rated movie to any minor unless the person is accompanied by a parent or guardian.
- ! Provide that the county or district attorney – rather than any resident – may bring an action to enforce the law.
- ! State that no library shall be required to comply with the act until the State of Kansas appropriates sufficient funds to pay for the Internet filtering technology.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

Representative Hutchins was the primary proponent of the original bill and the substitute bill.

Testifying in support of the original bill were a number of private citizens and a representative of Concerned Women for America of Kansas.

Testifying in opposition to the original bill was the State Librarian, as well as representatives of the University of Kansas; the Wichita Public Library; the Kansas City Public Library; the Haysville Public Library; the Kansas Library Association; the Kansas National Education Association; the Kansas Association of School Boards; Kansas State University; the Pottawatomie-Wabaunsee Regional Library; and the Topeka and Shawnee County Public Library.

The fiscal note on the original bill is not relevant to the substitute bill.