

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 478

Short Title: Children's Internet Safety–Net.

(Public)

Sponsors: Representatives Ellis; Allen, Allred, Arnold, Barbee, Barefoot, Barnhart, Blust, Bonner, Bowie, Buchanan, Cansler, Capps, Carpenter, Cole, Cox, Crawford, Creech, Culp, Culpepper, Daughtry, Davis, Decker, Dedmon, Dockham, Eddins, Edwards, Esposito, Fitch, Fox, Gibson, Gillespie, Goodwin, Grady, Haire, Harrington, Hill, Hilton, Holmes, Howard, Hunter, Johnson, Justus, Kiser, McCombs, McMahan, Mitchell, Morris, Nye, Owens, Pope, Preston, Rayfield, Redwine, Rogers, Russell, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Thompson, Tolson, Wainwright, Walend, Walker, Warner, Warwick, Weatherly, West, C. Wilson, G. Wilson, Womble, and Yongue.

Referred to: Science and Technology.

March 5, 2001

A BILL TO BE ENTITLED

1 AN ACT REQUIRING PUBLIC LIBRARIES AND SCHOOLS TO USE
2 TECHNOLOGY AND TAKE OTHER EFFECTIVE MEASURES TO LIMIT
3 ACCESS OF CHILDREN TO OBSCENE OR VIOLENT MATERIAL ON THE
4 INTERNET.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 125 of the General Statutes is amended by adding a
8 new Article to read:

9 "Article 4.

10 "Children's Internet Protection Act.

11 "**§ 125-25. Findings and policy.**

12 (a) The General Assembly finds that it is in the best interest of the people of this
13 State that public institutions offering Internet access take constitutionally valid
14 protective actions and adopt acceptable use policies that provide parents and guardians
15 of children with a reasonable assurance that public libraries and schools have safeguards
16 in place to permit young computer users to have educational experiences consistent with
17 the local values of our communities across the State. It is the policy of this State that all
18 libraries and schools that offer Internet access to minors must make every reasonable
19 effort to offer them a safe experience.

1 (b) The General Assembly recognizes that any acceptable use policy adopted by
2 a school or library for the protection of minors accessing the Internet must also respect
3 the constitutional rights of both adults and minors to have access to information. The
4 General Assembly finds that there are child-protective tools and measures available to
5 enhance the safety of minors who venture onto the Internet. It is the policy of this State
6 to utilize available and developing protective tools and measures in a manner valid
7 under the Constitution of North Carolina and the First Amendment of the Constitution
8 of the United States.

9 **"§ 125-26. Definitions**

10 Definitions. – The following definitions shall apply in this Article:

- 11 (1) Minor. – An individual who is less than 18 years old and is not
12 married or judicially emancipated.
- 13 (2) Obscene. – Any material that:
- 14 a. Depicts or describes in a patently offensive way sexual conduct
15 specifically defined by G.S. 14-190.1(c);
- 16 b. The average person applying contemporary community
17 standards relating to the depiction or description of sexual
18 matters would find that the material taken as a whole appeals to
19 the prurient interest in sex;
- 20 c. The material lacks serious literary, artistic, political, or
21 scientific value; and
- 22 d. The material as used is not protected or privileged under the
23 Constitution of the United States or the Constitution of North
24 Carolina.
- 25 (3) Library. – A library established by the State, or by a school district or
26 other local unit of government or authority or combination of local
27 units of governments and authorities.
- 28 (4) Public access computer. – Any computer located in a library or school
29 that is frequently or regularly used directly by a minor.
- 30 (5) School. – An elementary school, junior high school, high school, or
31 union school as defined in G.S. 115C-75.
- 32 (6) Violent material. – Any material that depicts extreme physical action
33 that would be considered by a reasonable person to be especially
34 disturbing or harmful to minors.

35 **"§ 125-27. Protection of minors from obscene and violent materials on public**
36 **access computers.**

37 (a) Online Safety. – On or before January 1, 2002, libraries and schools that
38 provide children access to the Internet, the World Wide Web, Usenet, or any other
39 interactive computer service shall, with respect to public access computers, use an
40 Internet service provider that provides filtering or other technology and services to
41 shield minors from obscene and violent material.

42 (b) Acceptable Use Policy. – The governing body of each library and school shall
43 establish an acceptable use policy for the Internet. At a minimum, the policy shall
44 contain provisions that (i) are designed to prohibit use by library and school employees

1 and patrons of the facility's public access computers to access obscene and violent
2 materials on the Internet, (ii) seek to prevent access by minor patrons to material that is
3 obscene, violent, or harmful to minors, and (iii) establish appropriate measures to be
4 taken against persons who violate the policy.

5 (c) Unfiltered or Unblocked Public Access Computers. – A minor may access an
6 unfiltered or unblocked public access computer only if: (i) the minor is accompanied
7 and monitored by a parent, guardian, or authorized person or (ii) the minor has notarized
8 written consent from a parent or legal guardian giving the minor permission to access to
9 the computer without adult supervision. For purposes of this subsection, an 'authorized
10 person' means an adult identified by a parent or guardian in a notarized written consent.

11 (d) Disabling Filtering or Blocking Software. – If a person is blocked from an
12 Internet site he or she believes contains material that does not violate the provisions of
13 this Article, the person may request that the library or school unblock the site. The
14 library or school shall unblock the site if it determines the site does not violate the
15 provisions of this Article. An adult patron may request unfiltered access to the Internet
16 for serious literary, artistic, political, or scientific purposes, and the library or school
17 shall temporarily disable the blocking software for these purposes.

18 (e) Other Public Computers. – The University of North Carolina and the
19 Community Colleges System shall adopt and implement policies and procedures for
20 public computer use to protect minors from obtaining access to obscene or violent
21 materials.

22 (f) Compliance and Reports. – The governing body of each library and school
23 shall regularly monitor compliance with the provisions of this Article. The governing
24 body of each library and school shall establish policies to ensure compliance with this
25 Article. Failure of a library or school employee to comply with the requirements of, or
26 the policies established under, this Article shall result in disciplinary action up to and
27 including dismissal from employment. The governing body of each library and school
28 shall make an annual report on its efforts to protect children from obscene and violent
29 material to the Department of Public Instruction or the Department of Cultural
30 Resources, as appropriate.

31 (g) Technical Assistance. – The Office of Information Technology Services shall
32 provide technical assistance to any public library or school to aid them in evaluating
33 available and developing technologies that may be used to comply with the provisions
34 of this Article."

35 **SECTION 2.** Chapter 115C of the General Statutes is amended by adding a
36 new section to read:

37 **"§ 115C-102.9. Protection of minors from obscene and violent materials on public**
38 **access computers.**

39 The provisions of Article 4 of Chapter 125 shall apply to all public schools."

40 **SECTION 3.** If any provision of this act or its application is held invalid, the
41 invalidity shall not affect other provisions or applications of this act that can be given
42 effect without the invalid provisions or application, and to this end the provisions of this
43 act are severable.

44 **SECTION 4.** This act is effective when it becomes law.