

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 599

Short Title: Children's Internet Safety-Net.

(Public)

Sponsors: Senators Carpenter; Allran, Ballantine, Forrester, and Foxx.

Referred to: Judiciary I.

March 22, 2001

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

"Article 4.

"Children's Internet Protection Act.

§ 125-25. Findings and policy.

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

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

§ 125-26. Definitions.

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

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

26 **§ 125–27. Protection of minors from obscene and violent materials on public**
27 **access computers.**

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

33 (b) Acceptable Use Policy. – The governing body of each library and school shall
34 establish an acceptable use policy for the Internet. At a minimum, the policy shall
35 contain provisions that (i) are designed to prohibit use by library and school employees
36 and patrons of the facility's public access computers to access obscene and violent
37 materials on the Internet, (ii) seek to prevent access by minor patrons to material that is
38 obscene, violent, or harmful to minors, and (iii) establish appropriate measures to be
39 taken against persons who violate the policy.

40 (c) Unfiltered or Unblocked Public Access Computers. – A minor may access an
41 unfiltered or unblocked public access computer only if: (i) the minor is accompanied
42 and monitored by a parent, guardian, or authorized person or (ii) the minor has notarized
43 written consent from a parent or legal guardian giving the minor permission to access to

1 the computer without adult supervision. For purposes of this subsection, an 'authorized
2 person' means an adult identified by a parent or guardian in a notarized written consent.

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

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

14 (f) **Compliance and Reports.** – The governing body of each library and school
15 shall regularly monitor compliance with the provisions of this Article. The governing
16 body of each library and school shall establish policies to ensure compliance with this
17 Article. Failure of a library or school employee to comply with the requirements of, or
18 the policies established under, this Article shall result in disciplinary action up to and
19 including dismissal from employment. The governing body of each library and school
20 shall make an annual report on its efforts to protect children from obscene and violent
21 material to the Department of Public Instruction or the Department of Cultural
22 Resources, as appropriate.

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

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

29 **"§ 115C-102.9. Protection of minors from obscene and violent materials on public**
30 **access computers.**

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

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

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