

Senate Bill 332

By: Senators Beatty of the 47th, Williams of the 6th, Johnson of the 1st, Price of the 56th, Stephens of the 51st and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to  
2 provide for technology protection measures for school computers with Internet access; to  
3 provide a short title; to provide a short title; to condition funding for electronic technology  
4 in schools on adoption of Internet safety policies; to provide for technology protection  
5 measures for public library computers with Internet access; to condition funding for  
6 electronic technology in public libraries on adoption of Internet safety policies; to provide  
7 for related matters; to provide an effective date; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Children's Internet Protection Act."

12 **SECTION 2.**

13 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part  
14 9 of Article 6 of Chapter 2, relating to grants for educational programs, by inserting after  
15 Code Section 20-2-252 a new Code Section 20-2-252.1 to read as follows:

16 "20-2-252.1.

17 (a) As used in this Code section, the term:

18 (1) 'Access to Internet' means a computer that is equipped with a modem or is connected  
19 to a computer network which has access to the Internet.

20 (2) 'Child pornography' means any visual depiction, including any photograph, film,  
21 video, picture, or computer or computer generated image or picture, whether made or  
22 produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

23 (A) The production of such visual depiction involves the use of a minor engaging in  
24 sexually explicit conduct;

25 (B) Such depiction is or appears to be of a minor engaging in sexually explicit conduct;

1 (C) Such visual depiction has been created, adapted, or modified to appear that an  
2 identifiable minor is engaging in sexually explicit conduct; or

3 (D) Such visual depiction is advertised, promoted, presented, described, or distributed  
4 in such a manner that conveys the impression that the material is or contains a visual  
5 depiction of a minor engaging in sexually explicit conduct.

6 (3) 'Computer' includes any hardware, software, or other technology attached or  
7 connected to, installed in, or otherwise used in connection with a computer.

8 (4) 'Harmful to minors' has the meaning given such term in Code Section 16-12-100.1.

9 (5) 'Minor' means a person younger than 18 years of age.

10 (6) 'Obscene' has the meaning given to such term in Code Section 16-12-80.

11 (7) 'Sexual conduct' has the meaning given to such term in Code Section 16-12-100.1.

12 (b) No funds made available under subsection (b) of Code Section 20-2-252 to a local  
13 school system for an elementary or secondary school may be used to purchase computers  
14 used to access the Internet or to pay for direct costs associated with accessing the Internet  
15 for the school unless the school, school board, local educational agency, or other authority  
16 with responsibility for administration of the school both:

17 (1)(A) Has in place a policy of Internet safety for minors that includes the operation  
18 of a technology protection measure with respect to any of its computers with access to  
19 Internet that protects against access through the computers to visual depictions that are:

20 (i) Obscene;

21 (ii) Child pornography; or

22 (iii) Harmful to minors; and

23 (B) Is enforcing the operation of the technology protection measure during any use of  
24 the computers by minors; and

25 (2)(A) Has in place a policy of Internet safety that includes the operation of a  
26 technology protection measure with respect to any of its computers with access to  
27 Internet that protects against access through the computers to visual depictions that are:

28 (i) Obscene; or

29 (ii) Child pornography; and

30 (B) Is enforcing the operation of the technology protection measure during any use of  
31 the computers.

32 (c) The local school system with responsibility for a school qualified to receive funds  
33 under subsection (b) of Code Section 20-2-252 shall certify the compliance of the school  
34 as part of the funding process for the state fiscal year beginning July 1, 2002, and for each  
35 subsequent fiscal year thereafter.

36 (d) The local school system with responsibility for a school qualified to receive funds  
37 under subsection (b) of Code Section 20-2-252 that has in place an Internet safety policy

1 meeting the requirements of subsection (b) of this Code section shall certify its compliance  
2 with subsection (b) of this Code section during each annual funding cycle.

3 (e)(1) The local school system with responsibility for a school that does not have in place  
4 an Internet safety policy meeting the requirements of subsection (b) of this Code section:

5 (A) For the fiscal year beginning July 1, 2002, shall certify that it is undertaking such  
6 actions, including any necessary procurement procedures, to put in place an Internet  
7 safety policy that meets the requirements; and

8 (B) For the fiscal year beginning July 1, 2003, and subsequent fiscal years shall certify  
9 that the school is in compliance with the requirements.

10 (2) Any school qualified to receive funds under subsection (b) of Code Section 20-2-252  
11 for which the local school system concerned is unable to certify compliance with the  
12 requirements for the fiscal year beginning July 1, 2003, shall be ineligible for all funding  
13 under that Code section for that fiscal year and all subsequent fiscal years until the school  
14 comes into compliance with the requirements.

15 (f) An administrator, supervisor, or person authorized by the responsible authority under  
16 subsection (b) of this Code section may disable the technology protection measure  
17 concerned to enable access to Internet for bona fide research or other lawful purposes.

18 (g)(1) Whenever the State Board of Education has reason to believe that any recipient  
19 of funds under subsection (b) of Code Section 20-2-252 is failing to comply substantially  
20 with the requirements of this Code section, the State Board of Education may:

21 (A) Withhold further payments to the recipient under subsection (b) of Code Section  
22 20-2-252; or

23 (B) Enter into a compliance agreement with a recipient to bring it into compliance with  
24 the requirements.

25 (2) The actions authorized by paragraph (1) of this subsection are the exclusive remedies  
26 available with respect to the failure of a school to comply substantially with a provision  
27 of this Code section, and the State Board of Education shall not seek a recovery of funds  
28 from the recipient for such failure.

29 (3) Whenever the State Board of Education determines by certification or other  
30 appropriate evidence that a recipient of funds who is subject to the withholding of  
31 payments under subparagraph (A) of paragraph (1) of this subsection has cured the failure  
32 providing the basis for the withholding of payments, the State Board of Education shall  
33 cease the withholding of payments to the recipient under that subparagraph."

**SECTION 3.**

Said title is further amended in Article 1 of Chapter 5, relating to state public library activities, by inserting after Code Section 20-5-3 a new Code Section 20-5-3.1 to read as follows:

"20-5-3.1.

(a) As used in this Code section, the term:

(1) 'Access to Internet' means a computer that is equipped with a modem or is connected to a computer network which has access to the Internet.

(2) 'Child pornography' means any visual depiction, including any photograph, film, video, picture, or computer or computer generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

(A) The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

(B) Such depiction is or appears to be of a minor engaging in sexually explicit conduct;

(C) Such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or

(D) Such visual depiction is advertised, promoted, presented, described, or distributed in such a manner that conveys the impression that the material is or contains a visual depiction of a minor engaging in sexually explicit conduct.

(3) 'Computer' includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

(4) 'Harmful to minors' has the meaning given such term in Code Section 16-12-100.1.

(5) 'Minor' means a person younger than 18 years of age.

(6) 'Obscene' has the meaning given to such term in Code Section 16-12-80.

(7) 'Sexual conduct' has the meaning given to such term in Code Section 16-12-100.1.

(b) No funds made available under Code Section 20-5-3 to a legally constituted municipal or local library board for a public library may be used to purchase computers used to access the Internet or to pay for direct costs associated with accessing the Internet unless the library:

(1)(A) Has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with access to Internet that protects against access through the computers to visual depictions that are:

(i) Obscene;

(ii) Child pornography; or

(iii) Harmful to minors; and

(B) Is enforcing the operation of the technology protection measure during any use of the computers by minors; and

1 (2)(A) Has in place a policy of Internet safety that includes the operation of a  
2 technology protection measure with respect to any of its computers with access to  
3 Internet that protects against access through the computers to visual depictions that are:

4 (i) Obscene; or

5 (ii) Child pornography; and

6 (B) Is enforcing the operation of the technology protection measure during any use of  
7 the computers.

8 (c) Nothing in this Code section shall be construed to prohibit a library from limiting  
9 access to Internet or otherwise protecting against materials other than those referred to in  
10 divisions (b)(1)(A)(i) through (b)(1)(A)(iii) of this Code section.

11 (d) A library qualified to receive funds under Code Section 20-5-3 shall certify the  
12 compliance of the library as part of the funding process for the state fiscal year beginning  
13 July 1, 2002, and for each subsequent fiscal year thereafter.

14 (e) A library qualified to receive funds under Code Section 20-5-3 that has in place an  
15 Internet safety policy meeting the requirements of subsection (b) of this Code section shall  
16 certify its compliance with subsection (b) of this Code section during each annual funding  
17 cycle.

18 (f) A library qualified to receive funds under Code Section 20-5-3 that does not have in  
19 place an Internet safety policy meeting the requirements of subsection (b) of this Code  
20 section:

21 (1) For the fiscal year beginning July 1, 2002, shall certify that it is undertaking the  
22 actions, including any necessary procurement procedures, to put in place an Internet  
23 safety policy that meets the requirements; and

24 (2) For the fiscal year beginning July 1, 2003, and subsequent fiscal years shall certify  
25 that the library is in compliance with the requirements. Any library qualified to receive  
26 funds under Code Section 20-5-3 that is unable to certify compliance with the  
27 requirements for the fiscal year beginning July 1, 2003, shall be ineligible for funding  
28 under Code Section 20-5-3 to purchase computers used to access the Internet or to pay  
29 for direct costs associated with accessing the Internet for that fiscal year and all  
30 subsequent fiscal years until the library comes into compliance with the requirements.

31 (g) An administrator, supervisor, or person authorized by the responsible authority under  
32 subsection (b) of this Code section may disable the technology protection measure  
33 concerned to enable access for bona fide research or other lawful purposes.

34 (h)(1) Whenever the board of regents has reason to believe that any recipient of funds  
35 under Code Section 20-5-3 is failing to comply substantially with the requirements of this  
36 Code section, the board of regents may:

37 (A) Withhold further payments to the recipient under Code Section 20-5-3; or

1 (B) Enter into a compliance agreement with a recipient to bring it into compliance with  
2 the requirements.

3 (2) The actions authorized by paragraph (1) of this subsection are the exclusive remedies  
4 available with respect to the failure of a library to comply substantially with a provision  
5 of this Code section, and the board of regents shall not seek a recovery of funds from the  
6 recipient for such failure.

7 (3) Whenever the board of regents determines by certification or other appropriate  
8 evidence that a recipient of funds who is subject to the withholding of payments under  
9 subparagraph (A) of paragraph (1) of this subsection has cured the failure providing the  
10 basis for the withholding of payments, the board of regents shall cease the withholding  
11 of payments to the recipient under that subparagraph."

12 **SECTION 4.**

13 This Act shall become effective upon its approval by the Governor or upon its becoming law  
14 without such approval.

15 **SECTION 5.**

16 All laws and parts of laws in conflict with this Act are repealed.