

House Bill 1055 (AS PASSED HOUSE AND SENATE)

By: Representatives Keown of the 173rd, Freeman of the 140th, Hill of the 21st, Setzler of the 35th, Black of the 174th, 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 a short title; to provide for the adoption and implementation of Internet safety
3 policies in public schools; to provide for the adoption and implementation of Internet safety
4 policies in public libraries; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known and may be cited as the "Child Internet Protection Act."

9 **SECTION 2.**

10 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in Part
11 15 of Article 6 of Chapter 2, relating to miscellaneous provisions relative to the "Quality
12 Basic Education Act," by inserting a new Code section to be designated Code Section
13 20-2-324 to read as follows:

14 "20-2-324.

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

16 (1) 'Acceptable-use policy' means a policy for Internet usage adopted by a local board
17 of education that meets the requirements of this Code section.

18 (2) 'Child pornography' means any computer depiction or other material depicting a child
19 under the age of 18 years engaging in sexually explicit conduct or in the simulation of
20 such conduct.

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

22 (4) 'Internet' means a global network that connects computers via telephone lines, fiber
23 networks, or both to electronic information.

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

1 (6) 'Sexually explicit conduct' has the meaning given to such term in Code Section
2 16-12-100.

3 (b) No later than January 1, 2007, each local board of education shall adopt an
4 acceptable-use policy for its school system. At a minimum, an acceptable-use policy shall
5 contain provisions which are reasonably designed to:

6 (1) Prevent students and employees of the school system from using any computer
7 equipment and communication services owned or leased by the school system for
8 sending, receiving, viewing, or downloading visual depictions of obscenity, child
9 pornography, or material that is harmful to minors;

10 (2) Establish appropriate measures to be taken against students and school employees
11 who willfully violate the acceptable-use policy; and

12 (3) Provide for expedited review and resolution of a claim that the policy is denying a
13 student or school employee access to material that is not within the prohibition of the
14 acceptable-use policy.

15 (c) A local board of education shall take such steps as it deems appropriate to implement
16 and enforce the acceptable-use policy, which shall include, but not be limited to:

17 (1) Use of software programs reasonably designed to block access to visual depictions
18 of obscenity, child pornography, and material that is harmful to minors; or

19 (2) Selection of online servers that block access to visual depictions of obscenity, child
20 pornography, and material that is harmful to minors.

21 (d) Each local school system shall provide, upon written request of a parent or guardian,
22 a copy of the acceptable-use policy adopted pursuant to subsection (b) of this Code section.

23 (e) The Attorney General and the department shall consult with and assist any local board
24 of education in the development and implementation of an acceptable-use policy pursuant
25 to this Code section.

26 (f)(1) No later than January 31, 2007, each local board of education shall submit a copy
27 of the acceptable-use policy adopted pursuant to subsection (b) of this Code section to the
28 State Board of Education. Such submission shall also include the identification of any
29 software program or online server that is being utilized to block access to material in
30 accordance with subsection (c) of this Code section.

31 (2) The State Board of Education shall review each acceptable-use policy and any
32 subsequent revisions submitted pursuant to paragraph (3) of this subsection. If the state
33 board determines after review that a policy or revision is not reasonably designed to
34 achieve the requirements of this Code section, the state board shall provide written notice
35 to the local board of education explaining the nature of such noncompliance and the local
36 board of education shall have 30 days from the receipt of written notice to correct such

1 noncompliance. The state board may provide an extension to the 30 day period on a
2 showing of good cause.

3 (3) No revision of an acceptable-use policy which has been approved by the state board
4 pursuant to paragraph (2) of this subsection shall be implemented until such revision is
5 approved by the state board. If the state board fails to disapprove the revision within 60
6 days after the submission is received, the local board of education may proceed with the
7 implementation of the revision.

8 (4) The state board shall be authorized to withhold a portion of state funding to a local
9 school system if the local board of education:

10 (A) Fails to timely submit an acceptable-use policy in accordance with paragraph (1)
11 of this subsection;

12 (B) Submits an acceptable-use policy that is not reasonably designed to achieve the
13 requirements of this Code section; or

14 (C) Is not enforcing or is substantially disregarding its acceptable-use policy.

15 (5) If the state board disapproves an acceptable-use policy of a local board of education
16 or any revision thereof or notifies the local board of education that it is subject to the
17 withholding of funding pursuant to paragraph (4) of this subsection, the local board of
18 education may appeal the decision to the superior court of the county where the local
19 board of education is situated.

20 (g)(1) The state board shall be responsible for conducting investigations and making
21 written determinations as to whether a local board of education has violated the
22 requirements of this Code section.

23 (2) If the state board determines that a local board of education is in violation of the
24 requirements of this Code section, it shall direct the local board of education to
25 acknowledge and correct the violation within 30 days and to develop a corrective plan for
26 preventing future recurrences.

27 (h)(1) Notwithstanding any other provision of this Code section to the contrary, an
28 administrator or supervisor of a local school system, or designee thereof, may disable the
29 software program or online server that is being utilized to block access to material for an
30 adult or for a minor who provides written consent from his or her parent or guardian to
31 enable access to the Internet for bona fide research or other lawful purpose.

32 (2) Nothing in paragraph (1) of this subsection shall be construed to permit any person
33 to have access to material the character of which is illegal under federal or state law.

34 (i) A local board of education which is fulfilling the requirements of the federal Children's
35 Internet Protection Act, P.L. 106-554, is not required to comply with this Code section."

SECTION 3.

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

"20-5-5.

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

(1) 'Acceptable-use policy' means a policy for Internet usage adopted by the governing board of a public library that meets the requirements of this Code section.

(2) 'Child pornography' means any computer depiction or other material depicting a child under the age of 18 years engaging in sexually explicit conduct or in the simulation of such conduct.

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

(4) 'Internet' means a global network that connects computers via telephone lines, fiber networks, or both to electronic information.

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

(6) 'Sexually explicit conduct' has the meaning given to such term in Code Section 16-12-100.

(b) No later than January 1, 2007, the governing body of each public library shall adopt an acceptable-use policy for its public library system. At a minimum, an acceptable-use policy shall contain provisions which are reasonably designed to:

(1) Prevent library patrons, including those patrons under 18 years of age and library employees from using any computer equipment and communication services owned or leased by the public library for sending, receiving, viewing, or downloading visual depictions of obscenity, child pornography, or material that is harmful to minors; and

(2) Establish appropriate measures to be taken against library patrons and employees who willfully violate the acceptable-use policy.

(c) A public library shall take such steps as it deems appropriate to implement and enforce the acceptable-use policy, which shall include, but not be limited to:

(1) Use of software programs reasonably designed to block access to visual depictions of obscenity, child pornography, and material that is harmful to minors; or

(2) Selection of online servers that block access to visual depictions of obscenity, child pornography, and material that is harmful to minors.

(d) A public library shall not be subject to civil liability for damages to any person as a result of the failure of any approved software program or approved online server to block access to visual depictions of obscenity, child pornography, and material that is harmful to minors. Nothing in this Code section shall be deemed to abrogate or lessen any

1 immunity or other protection against liability accorded to public libraries under an existing
2 law or court decision.

3 (e) The Attorney General and the board of regents shall consult with and assist any public
4 library in the development and implementation of an acceptable-use policy pursuant to this
5 Code section.

6 (f)(1) No later than January 31, 2007, each public library shall submit a copy of the
7 acceptable-use policy adopted pursuant to subsection (b) of this Code section to the board
8 of regents. Such submission shall also include the identification of any software program
9 or online server that is being utilized to block access to material in accordance with
10 subsection (c) of this Code section.

11 (2) The board of regents shall review each acceptable-use policy and any subsequent
12 revisions submitted pursuant to paragraph (3) of this subsection. If the board of regents
13 determines after review that a policy or revision is not reasonably designed to achieve the
14 requirements of this Code section, the board of regents shall provide written notice to the
15 public library explaining the nature of such noncompliance and the public library shall
16 have 30 days from the receipt of written notice to correct such noncompliance. The board
17 of regents may provide an extension to the 30 day period on a showing of good cause.

18 (3) No revision of an acceptable-use policy which has been approved by the board of
19 regents pursuant to paragraph (2) of this subsection shall be implemented until such
20 revision is approved by the board of regents. If the board of regents fails to disapprove
21 the revision within 60 days after the submission is received, the public library may
22 proceed with the implementation of the revision.

23 (4) The board of regents shall be authorized to withhold a portion of state funding to a
24 public library if the public library:

25 (A) Fails to timely submit an acceptable-use policy in accordance with paragraph (1)
26 of this subsection;

27 (B) Submits an acceptable-use policy that is not reasonably designed to achieve the
28 requirements of this Code section; or

29 (C) Is not enforcing or is substantially disregarding its acceptable-use policy.

30 (5) If the board of regents disapproves an acceptable-use policy of a public library or any
31 revision thereof or notifies the public library that it is subject to the withholding of
32 funding pursuant to paragraph (4) of this subsection, the public library may appeal the
33 decision to the superior court of the county where the public library is situated.

34 (g)(1) The board of regents shall be responsible for conducting investigations and
35 making written determinations as to whether a public library has violated the
36 requirements of this Code section.

1 (2) If the board of regents determines that a public library is in violation of the
2 requirements of this Code section, it shall direct the public library to acknowledge and
3 correct the violation within 30 days and to develop a corrective plan for preventing future
4 recurrences.

5 (h)(1) Notwithstanding any other provision of this Code section to the contrary, an
6 administrator or supervisor of a public library, or designee thereof, may disable the
7 software program or online server that is being utilized to block access to material for an
8 adult or for a minor who provides written consent from his or her parent or guardian to
9 enable access to the Internet for bona fide research or other lawful purpose.

10 (2) Nothing in paragraph (1) of this subsection shall be construed to permit any person
11 to have access to material the character of which is illegal under federal or state law.

12 (i) A public library which is fulfilling the requirements of the federal Children's Internet
13 Protection Act, P.L. 106-554, is not required to comply with this Code section."

14 **SECTION 4.**

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