

By Representative Caldier

SHB 1834 - H COMM AMD

By Committee on Appropriations

On page 8, after line 30, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 27.12 RCW to read as follows:

(1)(a) Except as provided in subsection (2) of this section, the board of trustees of a library that provides internet access on public computer terminals shall adopt and enforce an internet safety policy that addresses minor access to harmful material online. The internet safety policy must include the deployment and use of a technology protection measure with respect to any of the library's computers with internet access that prevents all library patrons from gaining access to visual depictions that are obscene or child pornography, and prevents minors from gaining access to visual depictions that are harmful to minors.

(b) The internet safety policy may authorize an administrator, supervisor, or other library representative to disable the technology protection measure upon the request of an adult library patron to enable access for bona fide research or other lawful purposes. The internet safety policy may include other terms, conditions, and requirements as the board of trustees deems appropriate.

(2) A library is exempt from the requirements of subsection (1) of this section if the qualified voters of the area included within the library's district adopt a proposition to exempt the library according to the following procedures:

(a) The board of trustees of the library may adopt a resolution to exempt the library from the requirements of subsection (1) of this section. The resolution must be adopted at a public meeting of the board of trustees after notice and an opportunity for public comment;

(b) If the board of trustees adopts a resolution under (a) of this subsection, a proposition to exempt the library from the requirements of subsection (1) of this section must be placed on the ballot at the next succeeding general or special election in

1 accordance with the procedures established under this chapter for the
2 creation of the library or library district; and

3 (c) If the proposition is approved by a majority vote of the
4 qualified electors voting on the proposition, the library is exempt
5 from the requirements of subsection (1) of this section.

6 (3) As used in this section:

7 (a) "Child pornography" means a depiction of a minor engaged in
8 an act of sexually explicit conduct as defined in RCW 9.68A.011;

9 (b) "Harmful to minors" means any picture, image, graphic image
10 file, or other visual depiction that:

11 (i) Taken as a whole and with respect to minors, appeals to a
12 prurient interest in nudity, sex, or excretion;

13 (ii) Depicts, describes, or represents, in a patently offensive
14 way with respect to what is suitable for minors, an actual or
15 simulated sexual act or sexual contact, an actual or simulated normal
16 or perverted sexual act, or a lewd exhibition of the genitals; and

17 (iii) Taken as a whole, lacks serious literary, artistic,
18 political, or scientific value as to minors;

19 (c) "Obscene" means material that:

20 (i) The average person, applying contemporary community
21 standards, would find that taken as a whole appeals to the prurient
22 interest in sex;

23 (ii) Depicts or describes:

24 (A) Patently offensive representations or descriptions of
25 ultimate sex acts, normal or perverted, actual or simulated,
26 including sexual intercourse, sodomy, and sexual bestiality; or

27 (B) Patently offensive representations or descriptions of
28 masturbation, excretory functions, sadism, masochism, lewd exhibition
29 of the genitals, the male or female genitals in a state of sexual
30 stimulation or arousal, or covered male genitals in a discernibly
31 turgid state; and

32 (iii) Taken as a whole, lacks serious literary, artistic,
33 political, or scientific value; and

34 (d) "Technology protection measure" means software or other
35 technology that blocks or filters internet access to visual
36 depictions.

37 NEW SECTION. **Sec. 14.** A new section is added to chapter 28A.150
38 RCW to read as follows:

1 (1) Except as provided in subsection (2) of this section, public
2 schools that provide internet access on computer terminals shall
3 adopt and enforce an internet safety policy that addresses minor
4 access to harmful material online. The internet safety policy must
5 include the deployment and use of a technology protection measure
6 with respect to any of the public school's computers with internet
7 access that prevents all students from gaining access to visual
8 depictions that are obscene or child pornography, and prevents minors
9 from gaining access to visual depictions that are harmful to minors.

10 (2) As used in this section:

11 (a) "Child pornography" means a depiction of a minor engaged in
12 an act of sexually explicit conduct as defined in RCW 9.68A.011;

13 (b) "Harmful to minors" means any picture, image, graphic image
14 file, or other visual depiction that:

15 (i) Taken as a whole and with respect to minors, appeals to a
16 prurient interest in nudity, sex, or excretion;

17 (ii) Depicts, describes, or represents, in a patently offensive
18 way with respect to what is suitable for minors, an actual or
19 simulated sexual act or sexual contact, an actual or simulated normal
20 or perverted sexual act, or a lewd exhibition of the genitals; and

21 (iii) Taken as a whole, lacks serious literary, artistic,
22 political, or scientific value as to minors;

23 (c) "Obscene" means material that:

24 (i) The average person, applying contemporary community
25 standards, would find that taken as a whole appeals to the prurient
26 interest in sex;

27 (ii) Depicts or describes:

28 (A) Patently offensive representations or descriptions of
29 ultimate sex acts, normal or perverted, actual or simulated,
30 including sexual intercourse, sodomy, and sexual bestiality; or

31 (B) Patently offensive representations or descriptions of
32 masturbation, excretory functions, sadism, masochism, lewd exhibition
33 of the genitals, the male or female genitals in a state of sexual
34 stimulation or arousal, or covered male genitals in a discernibly
35 turgid state; and

36 (iii) Taken as a whole, lacks serious literary, artistic,
37 political, or scientific value; and

1 (d) "Technology protection measure" means software or other
2 technology that blocks or filters internet access to visual
3 depictions."

4 Renumber the remaining section consecutively, correct any
5 internal references accordingly, and correct the title.

EFFECT: Requires libraries that provide internet access on public computer terminals, and public schools who provide internet access on computer terminals, to adopt and enforce internet access policies that address minor and student access to harmful internet material and use a technology protection measure to prevent minors and students from gaining access to harmful internet material.

Requires libraries to block or filter obscene depictions and child pornography from all patrons, but may authorize certain library employees to disable the filter upon request by an adult library patron engaged in research and other lawful purposes.

Provides a proposition and ballot measure process to allow library districts to be exempt from the internet access policy requirements.

Adds definitions for "child pornography," "harmful to minors," "obscene," and "technology protection measure," for purposes of the provisions regarding libraries and public schools.

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