

**Substitute for HOUSE BILL No. 2420**

By Committee on Federal and State Affairs

3-25

10 AN ACT enacting the children's internet protection act; prohibiting cer-  
11 tain acts and providing remedies for violations.

12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) This act shall be known as the children's internet pro-  
15 tection act.

16 (b) As used in this section:

17 (1) "Electronic material harmful to minors" means any electronic  
18 source of print, picture, figure, image, description, film or recording  
19 which is harmful to minors, as defined in K.S.A. 21-4301c, and amend-  
20 ments thereto.

21 (2) "Internet filtering technology" means a device or technology  
22 which reduces access or exposure to internet web sites which contain or  
23 make reference to electronic material harmful to minors.

24 (3) "Minor" means any unmarried person under 18 years of age.

25 (4) "Public library" means any library maintained by a city, county,  
26 township or library district, or any combination thereof, and supported  
27 in whole or in part by public moneys.

28 (c) Except as provided by subsection (d), every public library shall  
29 require use of internet filtering technology for any of such library's com-  
30 puters while such computer is being used by a minor.

31 (d) A public library, or an officer, employee or agent thereof, may  
32 allow a minor to use a library computer for which internet filtering tech-  
33 nology is not provided if the parent or guardian of such minor has given  
34 the library written consent for such minor to have access to the internet  
35 without use of internet filtering technology.

36 **[(e) No public library shall check out or issue any R-rated  
37 video, DVD, film or other material in a visual medium to any per-  
38 son under 18 years of age unless such person is accompanied by  
39 such person's parent or guardian.]**

40 ~~(e) [(f) Any resident of a city, county, township or library district  
41 maintaining a public library [The county or district attorney of the  
42 county where a public library is located] may bring an action for  
43 mandamus or injunction in any court of competent jurisdiction to enforce~~

1 the provisions of subsection (c) [~~or (e)~~] in accordance with the provisions  
2 of articles 8 and 9 of chapter 60 of the Kansas Statutes Annotated, and  
3 amendments thereto. Any such action may be brought against the ad-  
4 ministrative head of such public library or the governing body of such  
5 public library, or both.

6 ~~(f)~~ [(g)] The provisions of this section shall not be construed to:

7 (1) Prohibit any adult from having unfiltered or unrestricted access  
8 to the internet or an online service; or

9 (2) preempt the regulation of obscenity by municipalities.

10 ~~(g)~~ [(h)] If any provision of this act or the application thereof to any  
11 person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions on applications of the act which can be given effect with-  
13 out the invalid provision or application. To this end the provisions of this  
14 act are severable.

15 Sec. 2. This act shall take effect and be in force from and after its  
16 publication in the statute book. [**No library shall be required to com-  
17 ply with the provisions of this act until such time as the state of  
18 Kansas appropriates sufficient funds to pay for internet filtering  
19 technology.**]