

SESSION OF 2013

SUPPLEMENTAL NOTE ON SENATE BILL NO. 104

As Amended by House Committee on Education

Brief*

SB 104 would create the Children's Internet Protection Act, requiring technology protection measures be implemented and enforced at accredited nonpublic schools, public school districts, and public libraries. The bill would define "technology protection measure" as any computer technology or other process that blocks or filters online access to visual depictions. The term "visual depictions" would be tied to the definition of the same term contained in the Kansas statute dealing with the crime of sexual exploitation of a child (KSA 2012 Supp. 21-5510). The bill would define an "accredited nonpublic school" as any nonpublic school accredited by the State Board of Education offering instruction in grades kindergarten through 12.

School District Requirements

The bill would require any school district that provides public access to a computer to implement technology protection measures to ensure no minor has access to visual depictions that are child pornography, harmful to minors, or obscene. School district boards of education would be required to adopt policies to enforce this provision.

Public Library Requirements

Likewise, the bill would require any public library that provides public access to a computer to ensure that no

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

person, whether minor or adult, has access to visual depictions that are child pornography or obscene and, in addition, to ensure that no minor has access to visual depictions that are harmful to minors. The bill would permit a public library employee to disable any such technology protection measure if requested to do so by an adult and if the computer, when the measure is disabled, would be used only to enable access for legitimate research or other lawful purpose.

The bill would require the State Librarian to establish standards and promulgate rules and regulations to enforce the Act's provisions for public libraries. Each public library governing body also would be required to adopt relevant policy, which would be required to be reviewed at least once every three years and meet specified criteria that include information to patrons on the policy and on procedures available for the submission of related complaints.

Liability

The bill would state any school district or public library that is in compliance with the Act would not be liable for any damages arising out of or related to a minor gaining access to the visual depictions the Act seeks to regulate.

Background

The bill was introduced by Senator Abrams. Proponents of the bill at the Senate Education Committee hearing included retired Representative Becky Hutchins; representatives of the Kansas National Education Association (KNEA), American Family Action, and Concerned Women of America; and two private citizens. A representative of the Kansas Association of School Boards provided neutral testimony on the bill. No opponents testified.

At the hearing on the bill in the House Education Committee, proponents included representatives of American

Family Action of Kansas and Missouri and the KNEA, and a private citizen. No opponents testified in the House Committee.

The Senate Education Committee amended the bill by revising the definition of “technology protection measure” to include processes outside the realm of computer technology.

The House Education Committee amended the bill by making the bill’s provisions applicable to accredited nonpublic schools.

The Division of the Budget fiscal note on the original bill indicated a potential conflict in opinion regarding the fiscal effect. According to the State Library, the passage of the bill would require \$518,322 in additional expenditures from the State General Fund in FY 2014. This figure assumes adding one state librarian position and funding the costs incurred by the Regional Library Systems, including hiring seven more librarians for the seven regional systems. However, the Division of the Budget opined that the hiring of seven permanent state employees would not be necessary; rather, school districts and local libraries would determine the most efficient means to address the requirements of the bill. The Division of the Budget does believe staff would be needed to provide the necessary technical expertise related to the technology requirements of the bill as drafted. The League of Kansas Municipalities stated passage of the bill would cause unspecified additional expense.