

SECOND REGULAR SESSION

SENATE BILL NO. 583

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEY.

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TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 182, RSMo, by adding thereto two new sections relating to public libraries, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 182, RSMo, is amended by adding thereto two new sections, to be known as sections 182.825 and 182.827, to read as follows:

182.825. As used in sections 182.825 and 182.827, the following terms mean:

(1) "Harmful to minors", that quality of any description or representation, in whatever form, of nudity, sexual activity, sexual conduct, sexual excitement, or sadomasochistic abuse, when both:

(a) To the average adult applying contemporary state standards with respect to what is suitable for minors, it both:

a. Appeals to the prurient interest, when taken as a whole. In order for an item as a whole to be found or intended to have an appeal to the prurient interest, it is not necessary that the item be successful in arousing or exciting any particular form of prurient interest either in the hypothetical average person, in a member of its intended and probable recipient group or in the trier of fact;

b. Portrays the description or representation in a patently offensive way;

(b) Taken as a whole does not have serious literary, artistic political or scientific value for minors;

(2) "Public access computer", a computer that is:

(a) Located in a public school or public library;

(b) Frequently or regularly used directly by a minor; and

(c) Connected to any computer communication system.

182.827. 1. A public school that provides a public access computer shall

equip the computer with software that seeks to prevent minors from gaining access to material that is harmful to minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is harmful to minors. Standards and rules for the enforcement of this subsection shall be prescribed by the governing board of every school district.

2. A public library that provides a public access computer shall do one or both of the following:

(1) Equip the computer with software that will limit minors' ability to gain access to material that is harmful to minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is harmful to minors;

(2) Develop and implement by January 1, 2001, a policy that establishes measures to restrict minors from gaining computer access to material that is harmful to minors.

3. The secretary of state shall establish rules and regulations for the enforcement of subsection 2 of this section.

4. Any school board member, officer or employee who willfully neglects or refuses to perform a duty imposed by this section shall be subject to the penalties imposed pursuant to section 162.091, RSMo.

5. A public school or public school board member, officer or employee that complies with subsection 1 or 2 of this section shall not be criminally liable or liable for any damages that might arise from a minor gaining access to material that is harmful to minors through the use of a public access computer that is owned or controlled by the public school or public library.

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