

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 665

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR KENNEY.

Offered March 13, 2002.

Senate Substitute adopted, March 13, 2002.

Taken up for Perfection March 13, 2002. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3059S.02P

AN ACT

To amend chapter 182, RSMo, by adding thereto five 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 five new sections, to be known as sections 43.653, 43.656, 43.659, 182.825 and 182.827, to read as follows:

43.653. The Director, Missouri Department of Public Safety is hereby authorized to create, direct, control and supervise the "Missouri Regional Computer Forensics Lab" (RCFL). The director has the ability to bring together federal, state, and local resources to fight computer crimes for the purposes listed in section 43.656. The RCFL shall be located within a twenty-five mile radius of an international airport.

43.656. It is hereby found and declared that:

(1) With the widespread use of computers, the Internet and electronic devices to commit crimes and the critical lack of resources at state and local levels;

(2) Modern day criminals have learned to exploit the Internet and electronic communication to leverage computer technology to reach a virtually unlimited number of victims while maintaining a maximum level of anonymity, computer crimes will continue to mount, especially in, but not limited to, the areas of child pornography and sexual offenses involving children, consumer fraud and harassment.

(3) It is necessary for the protection of the citizens of this state that provisions be made for the establishment of the Missouri regional computer forensics lab to prevent and reduce computer, Internet and other electronically-based crimes.

43.659. The Director, Missouri Department of Public Safety shall have the power, as necessary or convenient to carry out and effectuate the purposes and provisions of sections 43.653 to 43.656, to enter into agreements or other transactions with, negotiate memorandum of understanding with all governmental agencies, participate in interstate computer forensic matters as they relate to the purposes of the center, both within and outside the state when necessary or appropriate, or when required to do so by a proper authority and accept grants and the cooperation of, the United States or any agency or instrumentality thereof or of this state or any agency or instrumentality thereof, in furtherance of the purposes of this section, and to do any and all things necessary in order to avail itself of such aid and cooperation.

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

- (1) "Pornographic for minors", as that term is defined in section 573.010, RSMo;**
- (2) "Public access computer", a computer that is:**
 - (a) Located in an elementary or secondary 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 pornographic for minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is pornographic for minors. Standards and rules for the enforcement of this subsection shall be prescribed by the governing board of every school district and such rules shall reflect the community standards for pornographic material available to minors.

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 pornographic for minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is pornographic for minors;

(2) Develop and implement by January 1, 2003, a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access to material that is pornographic for minors.

3. The secretary of state shall establish rules and regulations for the

enforcement of subsection 2 of this section.

4. A public school or public school board member, officer or employee, including library personnel; public library or public library board member, officer, employee or trustee that complies with subsection 1 or 2 of this section or an Internet service provider providing Internet connectivity to such public school or library in order to comply with this section shall not be criminally liable or liable for any damages that might arise from a minor gaining access to material that is pornographic for 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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