S T A T E O F N E W Y O R K

10648

I N A S S E M B L Y

April 13, 2010

Introduced by M. of A. MONTESANO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state technology law, in relation to prohibited internet use in state agencies

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The state technology law is amended by adding a new section 203-a to read as follows:

S 203-A. MODEL INTERNET USE POLICY. 1. THE OFFICE SHALL ADOPT RULES AND REGULATIONS IN CONFORMITY WITH THE PROVISIONS OF THIS ARTICLE, AND SPECIFY A MODEL INTERNET USE POLICY REQUIRED FOR USE BY ALL STATE AGENCIES. SUCH MODEL INTERNET USE POLICY SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING ELEMENTS:

(A) PROHIBITED VIEWING OF WEBSITES CONTAINING PORNOGRAPHIC LANGUAGE OR IMAGES BY EMPLOYEES OF STATE AGENCIES ON ALL PERSONAL COMPUTERS IN STATE AGENCIES;

(B) REQUIRED USE OF BLOCKING AND TRACKING SOFTWARE ON ALL PERSONAL COMPUTERS AND CENTRAL TERMINALS IN STATE AGENCIES;

(C) MANDATORY PENALTY FOR SUSTAINED OR MULTIPLE VIEWING OF PROHIBITED SITES ON PERSONAL COMPUTERS IN STATE AGENCIES BY EMPLOYEES OF STATE AGENCIES;

(D) REQUIRED REPORTING TO THE STATE POLICE BY ANY EMPLOYER, COMPUTER ENGINEER, COMPUTER TECHNICIAN, MANAGEMENT INFORMATION ENGINEER OR MANAGEMENT INFORMATION TECHNICIAN WHO HAS KNOWLEDGE OF, OR OBSERVES, WITHIN THE SCOPE OF HIS OR HER PROFESSIONAL CAPACITY OR EMPLOYMENT, THE SUSTAINED VIEWING OF ANY PORNOGRAPHIC LANGUAGE OR IMAGES BY EMPLOYEES OF STATE AGENCIES ON PERSONAL COMPUTERS IN STATE AGENCIES. PERSONS MAKING SUCH REPORTS SHALL HAVE IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL, THAT MIGHT OTHERWISE RESULT BY REASON OF SUCH ACTION PROVIDED SUCH PERSON WAS ACTING IN GOOD FAITH IN DISCHARGE OF HIS OR HER DUTIES AND WITHIN THE SCOPE OF EMPLOYMENT AND THAT SUCH LIABILITY DID NOT RESULT FROM THE WILLFUL MISCONDUCT OR GROSS NEGLIGENCE OF SUCH PERSON, OFFICIAL OR INSTITUTION.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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2. EACH STATE AGENCY SHALL POST ITS INTERNET USE POLICY ON ITS WEBSITE AND IN PERSONNEL POLICY MANUALS.

3. FOR THE PURPOSES OF THIS SECTION ONLY, PORNOGRAPHIC LANGUAGE OR IMAGES, IS DEFINED AS A NARRATIVE, STILL PHOTO OR MOTION PICTURE DEPICTING ACTS OF SEXUAL INTERCOURSE OR ACTS OF SEXUAL PERVERSION. THIS SECTION SHALL NOT BE CONSTRUED AS APPLYING TO BONA FIDE MEDICAL OR SCIENTIFIC ARTICLES, PHOTOGRAPHS OR FILMS.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.