

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The state technology law is amended by adding a new section
2 203-a to read as follows:
3 S 203-A. MODEL INTERNET USE POLICY. 1. THE OFFICE SHALL ADOPT RULES
4 AND REGULATIONS IN CONFORMITY WITH THE PROVISIONS OF THIS ARTICLE, AND
5 SPECIFY A MODEL INTERNET USE POLICY REQUIRED FOR USE BY ALL STATE AGEN-
6 CIES. SUCH MODEL INTERNET USE POLICY SHALL INCLUDE, BUT NOT BE LIMITED
7 TO, THE FOLLOWING ELEMENTS:
8 (A) PROHIBITED VIEWING OF WEBSITES CONTAINING PORNOGRAPHIC LANGUAGE OR
9 IMAGES BY EMPLOYEES OF STATE AGENCIES ON ALL PERSONAL COMPUTERS IN STATE
10 AGENCIES;
11 (B) REQUIRED USE OF BLOCKING AND TRACKING SOFTWARE ON ALL PERSONAL
12 COMPUTERS AND CENTRAL TERMINALS IN STATE AGENCIES;
13 (C) MANDATORY PENALTY FOR SUSTAINED OR MULTIPLE VIEWING OF PROHIBITED
14 SITES ON PERSONAL COMPUTERS IN STATE AGENCIES BY EMPLOYEES OF STATE
15 AGENCIES;
16 (D) REQUIRED REPORTING TO THE STATE POLICE BY ANY EMPLOYER, COMPUTER
17 ENGINEER, COMPUTER TECHNICIAN, MANAGEMENT INFORMATION ENGINEER OR
18 MANAGEMENT INFORMATION TECHNICIAN WHO HAS KNOWLEDGE OF, OR OBSERVES,
19 WITHIN THE SCOPE OF HIS OR HER PROFESSIONAL CAPACITY OR EMPLOYMENT, THE
20 SUSTAINED VIEWING OF ANY PORNOGRAPHIC LANGUAGE OR IMAGES BY EMPLOYEES OF
21 STATE AGENCIES ON PERSONAL COMPUTERS IN STATE AGENCIES. PERSONS MAKING
22 SUCH REPORTS SHALL HAVE IMMUNITY FROM ANY LIABILITY, CIVIL OR CRIMINAL,
23 THAT MIGHT OTHERWISE RESULT BY REASON OF SUCH ACTION PROVIDED SUCH
24 PERSON WAS ACTING IN GOOD FAITH IN DISCHARGE OF HIS OR HER DUTIES AND
25 WITHIN THE SCOPE OF EMPLOYMENT AND THAT SUCH LIABILITY DID NOT RESULT
26 FROM THE WILLFUL MISCONDUCT OR GROSS NEGLIGENCE OF SUCH PERSON, OFFICIAL
27 OR INSTITUTION.

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

LBD01603-01-9

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

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

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