

1876

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to establishing additional criteria for library systems to obtain state aid in respect of internet access restrictions for children

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

1 Section 1. Paragraph h of subdivision 1 of section 272 of the educa-
2 tion law, as amended by chapter 787 of the laws of 1978, is amended to
3 read as follows:
4 h. (1) The commissioner shall by regulation provide the standard of
5 service with which such a public library system must comply. Such regu-
6 lations shall, among other things, relate to the total book stock; the
7 diversity of such book stock with respect to general subjects and type
8 of literature, provided that such regulations shall not, directly or
9 indirectly, prohibit the inclusion of a particular book, periodical or
10 material or the works of a particular author or the expression of a
11 particular point of view; annual additions to book stock; circulation of
12 book stock; maintenance of catalogues; number and location of libraries
13 or branch libraries; hours of operation and number and qualifications of
14 personnel, necessary to enable a public library system to render
15 adequate service. Such regulations may establish standards which differ
16 on the basis of population; density of population; the actual valuation
17 of the taxable property within the area served; the condition of library
18 facilities in existence on April first, nineteen hundred fifty-seven;
19 the amount raised by taxation by or for the area served; the relation of
20 such amount to population and actual value of the property taxed; the
21 relation of the amount of funds received by a public library system from
22 local taxes to that derived from private contributions; or on such other
23 basis as the commissioner finds necessary to provide for the equitable
24 distribution of state aid.

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

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1 (2) SUCH REGULATIONS SHALL ALSO INCLUDE THE FOLLOWING PROVISIONS
2 PERTAINING TO INTERNET USE.

3 (I) EACH PUBLIC LIBRARY SHALL DEVELOP A POLICY FOR ACCEPTABLE INTERNET
4 USE BY ITS PATRONS. EACH PUBLIC LIBRARY SHALL, AS PART OF SUCH POLICY,
5 ADOPT AND IMPLEMENT MEASURES TO RESTRICT THE ACCESS OF MINORS, AS SUCH
6 TERM IS DEFINED IN SUBDIVISION ONE OF SECTION 235.20 OF THE PENAL LAW,
7 TO MATERIAL THAT IS OBSCENE, AS SUCH TERM IS DEFINED IN SUBDIVISION ONE
8 OF SECTION 235.00 OF THE PENAL LAW, OR THAT IS HARMFUL TO MINORS, AS
9 SUCH TERM IS DEFINED IN SUBDIVISION SIX OF SECTION 235.20 OF THE PENAL
10 LAW, USING ANY COMPUTER EQUIPMENT OR SERVICE AVAILABLE FOR PUBLIC USE.

11 (II) NOTICE OF SUCH POLICY SHALL BE POSTED WITHIN THE PUBLIC LIBRARY
12 AT VARIOUS PLACES, INCLUDING ALL INTERNET ACCESS POINTS. COPIES OF SUCH
13 POLICY SHALL BE MADE AVAILABLE TO ALL PATRONS.

14 (III) EACH PUBLIC LIBRARY SHALL OFFER INTERNET SAFETY CLASSES FOR
15 CHILDREN UNDER SEVENTEEN YEARS OF AGE.

16 (IV) NO PUBLIC LIBRARY SHALL PERMIT ANY CHILD UNDER THE AGE OF SEVEN-
17 TEEN YEARS TO USE AN INTERNET ACCESS TERMINAL WITHOUT THE PRIOR, WRITTEN
18 CONSENT OF SUCH CHILD'S PARENT OR GUARDIAN. SUCH CONSENT FORM SHALL
19 STATE THAT THE PARENT OR GUARDIAN AND THE CHILD HAVE REVIEWED THE POLICY
20 AND AGREE TO ABIDE BY IT. IN LIEU OF SUCH CONSENT FOR SUCH USE, A
21 PUBLIC LIBRARY MAY PERMIT A CHILD OF AT LEAST THIRTEEN BUT LESS THAN
22 SEVENTEEN YEARS TO MAKE SUCH USE UPON SUCCESSFUL COMPLETION OF AN INTER-
23 NET SAFETY CLASS.

24 (V) IN ANY PUBLIC LIBRARY HAVING MULTIPLE INTERNET ACCESS TERMINALS,
25 ONE OR MORE TERMINALS SHALL BE SEGREGATED FROM THE OTHERS AND DEDICATED
26 FOR USE BY CHILDREN.

27 S 2. This act shall take effect immediately.