

1489

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sens. DeFRANCISCO, GRIFFO, LARKIN, LAVALLE, MAZIARZ,
SEWARD, VOLKER -- 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 requiring filtering
software on computers in public libraries and schools to prevent
minors from viewing indecent materials

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

1 Section 1. Subdivision 3 of section 751 of the education law, as
2 amended by section 4 of part A of chapter 436 of the laws of 1997, is
3 amended and a new subdivision 5 is added to read as follows:
4 3. No school district shall be required to purchase or otherwise
5 acquire software programs, the cost of which shall exceed an amount
6 equal to the software factor multiplied by the sum of the public school
7 district enrollment and the nonpublic school enrollment in the base year
8 as defined in subparagraphs two and three of paragraph n of subdivision
9 one of section thirty-six hundred two of this chapter UNLESS SUCH SCHOOL
10 DISTRICT IS REQUIRED TO PURCHASE COMPUTER PROGRAMS OR OTHER SYSTEMS
11 APPROVED BY THE DEPARTMENT TO FILTER OR BLOCK MATERIAL THAT IS HARMFUL
12 TO MINORS, AS DEFINED IN SECTION 235.20 OF THE PENAL LAW, PURSUANT TO
13 REGULATIONS PROMULGATED BY THE COMMISSIONER.
14 5. A SCHOOL DISTRICT RECEIVING AID UNDER THIS SECTION MUST COMPLY WITH
15 REGULATIONS PROMULGATED BY THE COMMISSIONER PURSUANT TO SUBDIVISION
16 FORTY-TWO OF SECTION THREE HUNDRED FIVE OF THIS TITLE.
17 S 2. Section 305 of the education law is amended by adding a new
18 subdivision 42 to read as follows:
19 42. THE COMMISSIONER SHALL PROMULGATE REGULATIONS REQUIRING PUBLIC
20 LIBRARIES AND PUBLIC SCHOOLS WHICH UTILIZE TELECOMMUNICATIONS, COMPUTER,
21 DATA, THE INTERNET, AND INFORMATION SYSTEMS, TO UTILIZE COMPUTER
22 PROGRAMS OR OTHER SYSTEMS APPROVED BY THE DEPARTMENT TO FILTER OR BLOCK
23 MATTER THAT IS DEFINED AS HARMFUL TO MINORS UNDER SECTION 235.20 OF THE

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

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PENAL LAW. THE INTERNET SHALL BE DEFINED AS AN INTERNATIONAL COMPUTER NETWORK OF BOTH FEDERAL AND NON-FEDERAL INTEROPERABLE PACKET SWITCHED DATA NETWORKS WHICH USERS MAY ACCESS THROUGH A SERVICE PROVIDER. THE DEPARTMENT SHALL PUBLISH A LIST OF SOFTWARE APPROVED BY IT FOR SUCH PURPOSE AND SHALL MAKE SUCH LIST AVAILABLE ON ITS WEBSITE.

S 3. The education law is amended by adding a new section 253-a to read as follows:

S 253-A. INTERNET ACCESS IN A PUBLIC LIBRARY. 1. AS USED IN THIS SECTION THE TERM "INTERNET" MEANS A MATRIX OF NETWORKS THAT CONNECTS COMPUTERS AROUND THE WORLD.

2. IF A PUBLIC LIBRARY OFFERS INTERNET ACCESS SERVICES TO THE PUBLIC, THE GOVERNING BODY OF SUCH LIBRARY SHALL BE MANDATED TO INSTALL SOFTWARE ON COMPUTER TERMINALS WHICH ACCESS THE INTERNET TO RESTRICT SUCH COMPUTERS FROM RECEIVING MATTER THAT IS OBSCENE, AS SUCH TERM IS DEFINED IN SUBDIVISION ONE OF SECTION 235.00 OF THE PENAL LAW, OR THAT IS DEFINED AS HARMFUL TO MINORS UNDER SECTION 235.20 OF THE PENAL LAW.

S 4. Subdivision 1 of section 272 of the education law is amended by adding a new paragraph m to read as follows:

M. EACH PUBLIC LIBRARY WHICH PROVIDES COMPUTER INTERNET ACCESS TO THE PUBLIC SHALL INSTALL SOFTWARE OF A TYPE APPROVED BY THE DEPARTMENT WHICH RESTRICTS ACCESS TO MATERIAL THAT IS OBSCENE, AS SUCH TERM IS DEFINED IN SUBDIVISION ONE OF SECTION 235.00 OF THE PENAL LAW, OR THAT IS HARMFUL TO MINORS, AS SUCH TERM IS DEFINED IN SUBDIVISION SIX OF SECTION 235.20 OF THE PENAL LAW, ON ANY COMPUTER EQUIPMENT OR SERVICE AVAILABLE FOR PUBLIC USE.

S 5. This act shall take effect on the ninetieth day after it shall have become a law; provided, however that sections one, three and four of this act shall take effect on the one hundred fiftieth day after this act shall have become a law.