



Higher Education Committee

**Filed: 4/1/2008**

09500HB4380ham001

LRB095 16912 NHT 48120 a

1 AMENDMENT TO HOUSE BILL 4380

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4380 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Board of Higher Education Act is amended by  
5 adding Section 9.33 as follows:

6 (110 ILCS 205/9.33 new)

7 Sec. 9.33. Student residential computer networks.

8 (a) The Board shall require public institutions of higher  
9 education that have student residential computer networks to do  
10 the following:

11 (1) adopt and reasonably implement a policy defining  
12 computer and network usage and ethics that applies to  
13 students, staff, and faculty; that clearly describes and  
14 prohibits the infringement of copyrighted works over the  
15 institution's computer and network resources, including  
16 over the institution's local area and internal networks;

1 that details the penalties for infringement provided under  
2 both State and federal law; and that is visibly posted in  
3 the institution's computer labs and when users sign on to  
4 the network; and

5 (2) subject to subsection (b) of this Section, if the  
6 institution receives 10 or more legally valid notices of  
7 infringement within the preceding year, undertake  
8 reasonable efforts to install and implement a  
9 technology-based deterrent system to attempt to prevent  
10 the infringement of copyrighted works over the  
11 institution's computer and network resources.

12 (b) Nothing in this Section is intended to prohibit the  
13 noninfringing use of copyrighted material by students, staff,  
14 and faculty, to restrict an institution's use of copyrighted  
15 material under the provisions of Section 107 of Title 17 of the  
16 United States Code, or to waive the protections available to  
17 Internet service providers under Section 512 of Title 17 of the  
18 United States Code.

19 A student or faculty member may request, and the  
20 institution may grant in writing, permission to use a  
21 particular software application or file that has been  
22 prohibited on the institution's computer and network resources  
23 under subdivision (2) of subsection (a) of this Section if the  
24 institution determines that such use is for academic, research,  
25 or other purposes consistent with Section 107 of Title 17 of  
26 the United States Code.

1       (c) Each institution to which subsection (a) of this  
2 Section applies shall, by January 15 of each year, report to  
3 the Board either (i) that the institution has not received 10  
4 or more legally valid notices of infringement within the  
5 preceding year from owners of infringed works or their  
6 authorized agents or (ii) a detailed description of the  
7 reasonable efforts the institution has taken to install and  
8 implement a technology-based deterrent system under  
9 subdivision (2) of subsection (a) of this Section.

10       Section 99. Effective date. This Act takes effect upon  
11 becoming law.".