



## 98TH GENERAL ASSEMBLY

### State of Illinois

#### 2013 and 2014

#### SB2784

Introduced 1/30/2014, by Sen. Kwame Raoul

#### SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5.855 new

75 ILCS 10/8.1

30 ILCS 805/8.38 new

from Ch. 81, par. 118.1

Creates the Internet Screening in Public Libraries Act. Provides that each public library must have a technology protection measure to prevent the display on a public computer of any visual depictions that are obscene, child pornography, or harmful to minors. Allows a public library to disable the technology protection measure for an adult engaged in legitimate research or some other lawful purpose. Requires the State Librarian to adopt rules to implement and administer the Act. Amends the State Finance Act to create the Internet Screening in Public Libraries Fund. Provides that fines under the Act are to be deposited into the Fund. Requires the State Librarian to use amounts in the Fund, subject to appropriation, to implement and administer the Act. Amends the State Mandates Act to require implementation without reimbursement.

LRB098 17663 JLK 52776 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Internet Screening in Public Libraries Act.

6 Section 5. Purpose. In accordance with Section 20 of  
7 Article I of the Illinois Constitution, the General Assembly  
8 finds that the installation and operation by public libraries  
9 of technology protection measures that protect against access  
10 (i) by adults to visual depictions that are obscene or child  
11 pornography and (ii) by minors to visual depictions that are  
12 obscene, child pornography, or harmful to minors fulfill an  
13 important State interest.

14 Section 10. Definitions. In this Act:

15 "Administrative unit" means the entity designated by the  
16 State or a unit of local government or school district as  
17 responsible for the administration of all public library  
18 locations established or maintained by that governmental  
19 entity.

20 "Child pornography" means any film, videotape, photograph,  
21 or other similar visual reproduction or depiction by computer  
22 of any child or severely or profoundly intellectually disabled

1 person whom the person knows or reasonably should know to be  
2 under the age of 18 or to be a severely or profoundly  
3 intellectually disabled person, engaged in any activity  
4 described in subparagraphs (i) through (vii) of paragraph (1)  
5 of Section 11-20.1 of the Criminal Code of 2012 (720 ILCS  
6 5/11-20.1).

7 "Depiction harmful to minors" means any picture, image,  
8 graphic image file, or other visual depiction that:

9 (1) taken as a whole and with respect to minors,  
10 appeals to a prurient interest in nudity, sex, or  
11 excretion;

12 (2) depicts, describes, or represents, in a patently  
13 offensive way with respect to what is suitable for minors,  
14 an actual or simulated sexual act, a lewd exhibition of the  
15 genitals, or a normal or perverted sexual contact; and

16 (3) taken as a whole, lacks serious literary, artistic,  
17 political, or scientific value to minors.

18 "Minor" means a person who is younger than 18 years of age.

19 "Obscene" has the meaning ascribed to that term in Section  
20 11-20 of the Criminal Code of 2012 (720 ILCS 5/11-20).

21 "Public computer" means a computer, as that term is defined  
22 in Section 16D-2 of the Computer Crime Prevention Law (720 ILCS  
23 5/16D-2), that is made available to the public and that has  
24 Internet access.

25 "Public library" means any library established or  
26 maintained by the State or by any unit of local government or

1 school district in this State but does not include any library  
2 of a college or university.

3 "Technology protection measure" means software or the  
4 equivalent technology that blocks or filters Internet access to  
5 the visual depictions that are proscribed under this Act.

6 Section 15. Public library Internet safety policy. Each  
7 public library must create and enforce an Internet safety  
8 policy that provides for the:

9 (1) installation and operation of a technology protection  
10 measure on all public computers in the library that protects  
11 against access through those computers to visual depictions  
12 that are obscene, child pornography, or harmful to minors; and

13 (2) disablement of the technology protection measure by an  
14 employee of the public library upon an adult's request to use  
15 the computer for legitimate research or some other lawful  
16 purpose; and

17 (3) disablement of the technology protection measure by an  
18 employee of the public library upon the request of a minor to  
19 use the computer for legitimate research or some other lawful  
20 purpose if that minor is adequately supervised for the duration  
21 of the minor's use of the computer by an individual who is 21  
22 years of age or older.

23 Section 20. Rules; annual attestation.

24 (a) The State Librarian shall adopt rules to implement and

1 administer this Act.

2 (b) The head of each administrative unit must annually  
3 attest in writing that all public library locations within the  
4 jurisdiction of the administrative unit are in compliance with  
5 Section 15, as a condition of the receipt of any State grants  
6 distributed through the State Librarian under the Illinois  
7 Library Systems Act.

8 Section 25. Internet Screening in Public Libraries Fund.  
9 The Internet Screening in Public Libraries Fund is created as a  
10 special fund in the State treasury. Subject to appropriation,  
11 the amounts in the Fund shall be used by the State Librarian to  
12 implement and administer this Act.

13 Section 80. The State Finance Act is amended by adding  
14 Section 5.855 as follows:

15 (30 ILCS 105/5.855 new)

16 Sec. 5.855. The Internet Screening in Public Libraries  
17 Fund.

18 Section 85. The Illinois Library System Act is amended by  
19 changing Section 8.1 as follows:

20 (75 ILCS 10/8.1) (from Ch. 81, par. 118.1)

21 Sec. 8.1. The State Librarian shall make grants annually

1 under this Section to all qualified public libraries in the  
2 State from funds appropriated by the General Assembly. Such  
3 grants shall be in the amount of up to \$1.25 per capita for the  
4 population of the area served by the respective public library  
5 and, in addition, the amount of up to \$0.19 per capita to  
6 libraries serving populations over 500,000 under the Illinois  
7 Major Urban Library Program. If the moneys appropriated for  
8 grants under this Section are not sufficient the State  
9 Librarian shall reduce the per capita amount of the grants so  
10 that the qualifying public libraries receive the same amount  
11 per capita.

12 To be eligible for grants under this Section, a public  
13 library must:

14 (1) Provide, as determined by the State Librarian,  
15 library services which either meet or show progress toward  
16 meeting the Illinois library standards, as most recently  
17 adopted by the Illinois Library Association.

18 (2) Be a public library for which is levied a tax for  
19 library purposes at a rate not less than .13% or a county  
20 library for which is levied a tax for library purposes at a  
21 rate not less than .07%. If a library is subject to the  
22 Property Tax Extension Limitation Law in the Property Tax  
23 Code and its tax levy for library purposes has been lowered  
24 to a rate of less than .13%, this requirement will be  
25 waived if the library qualified for this grant in the  
26 previous year and if the tax levied for library purposes in

1 the current year produces tax revenue for library purposes  
2 that is an increase over the previous year's extension of  
3 5% or the percentage increase in the Consumer Price Index,  
4 whichever is less. Beginning in State Fiscal Year 2012 and  
5 continuing through and including State Fiscal Year 2015,  
6 the eligibility requirement in this subsection shall be  
7 waived if a library's tax levy for library purposes has  
8 been lowered to a rate of less than 0.13%, and the State  
9 Librarian determines that the library (i) continues to meet  
10 the requirements of item (1) of this Section and (ii)  
11 received a grant under this Section in the previous fiscal  
12 year.

13 (3) Be in compliance with the requirements set forth in  
14 the Internet Screening in Public Libraries Act and the  
15 administrative unit in whose jurisdiction the library is  
16 located must have submitted the annual attestation  
17 required under Section 20 of that Act.

18 Any other language in this Section to the contrary  
19 notwithstanding, grants under this Section 8.1 shall be made  
20 only upon application of the public library concerned, which  
21 applications shall be entirely voluntary and within the sole  
22 discretion of the public library concerned.

23 In order to be eligible for a grant under this Section, the  
24 corporate authorities, in lieu of a tax levy at a particular  
25 rate, may provide funds from other sources, an amount  
26 equivalent to the amount to be produced by that levy.

1 (Source: P.A. 97-675, eff. 2-6-12.)

2 Section 90. The State Mandates Act is amended by adding  
3 Section 8.38 as follows:

4 (30 ILCS 805/8.38 new)

5 Sec. 8.38. Exempt mandate. Notwithstanding Sections 6 and 8  
6 of this Act, no reimbursement by the State is required for the  
7 implementation of any mandate created by this amendatory Act of  
8 the 98th General Assembly.