

SENATE BILL NO. 139

INTRODUCED BY J. WELLS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING PUBLIC LIBRARIES TO ESTABLISH AND ENFORCE  
5 AN INTERNET USE POLICY TO PROTECT MINORS FROM EXPOSURE TO OBSCENITY OVER THE  
6 INTERNET; AND PROVIDING FOR THE WITHHOLDING OF STATE FUNDING TO LIBRARIES THAT FAIL  
7 TO ADOPT AN INTERNET USE POLICY."

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9 WHEREAS, the Legislature desires to protect children from exposure to obscenity, child  
10 pornography, and material harmful to minors; and

11 WHEREAS, the Legislature desires to prevent any user from accessing obscene material and child  
12 pornography within a public library setting; and

13 WHEREAS, there is a need to balance computer access to the Internet against the need and duty  
14 to protect children from contact with sexual predators and access to obscene material, child pornography,  
15 and material harmful to minors; and

16 WHEREAS, pornography in a public library setting can create a hostile environment constituting  
17 sexual harassment; and

18 WHEREAS, the Legislature desires to take reasonable steps to prevent a hostile or dangerous  
19 environment in public libraries, prevent the sexual harassment of library patrons, deter public sexual acts,  
20 and deter or prevent increased crime; and

21 WHEREAS, the general welfare, health, morals, and safety of the citizens of the state will be  
22 promoted by the enactment of this legislation.

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24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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26 NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Child Internet  
27 Protection Act".

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29 NEW SECTION. **Section 2. Purpose.** The purpose of [sections 1 through 4] is to protect minors  
30 from exposure to obscenity, child pornography, and materials that are harmful to minors and to prevent,



1 eliminate, and control the adverse secondary effects created by unrestricted access to the internet.

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3 **NEW SECTION. Section 3. Public library internet policies -- limitation on display or dissemination**

4 **of obscene materials to minors.** (1) The board of trustees of each public library shall establish and enforce  
5 an internet use policy for the international network of computer systems commonly known as the internet.

6 At a minimum, the policy must:

7 (a) prevent minors from using the library's computer equipment and communications services to  
8 send, receive, view, or download obscene material that is prohibited from being displayed or disseminated  
9 to minors by 45-8-206;

10 (b) establish measures to be taken against a person who willfully violates the policy; and

11 (c) comply with any policy adopted by the governing body of the library under 45-8-206(2)(c).

12 (2) A public library may implement its internet use policy by use of software programs designed  
13 to block access to prohibited material or by selection of online servers that block access to prohibited  
14 material.

15 (3) A public library shall establish procedures for expedited review and resolution of a claim that  
16 a software program or other policy of the library denies a user access to material that is not within the  
17 prohibition of the internet use policy adopted under subsection (1). The procedures must require that the  
18 person requesting review be notified of the decision within 2 business days of the request for review. This  
19 subsection does not apply to the selection of an online server by the public library.

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21 **NEW SECTION. Section 4. State library commission -- assistance -- withholding of funds.** (1) The  
22 state library commission, established in 22-1-101, shall consult with and assist any public library that  
23 requests assistance in the development and implementation of an internet use policy under [section 1].

24 (2) The commission shall withhold from a public library that fails to adopt and implement an  
25 internet use policy under [section 1] funding from state aid to public libraries under 22-1-326,  
26 reimbursement for interlibrary loans under 22-1-328, and base grants under 22-1-331.

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28 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 4] are intended to be  
29 codified as an integral part of Title 22, chapter 1, and the provisions of Title 22, chapter 1, apply to  
30 [sections 1 through 4].

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2           NEW SECTION. **Section 6. Severability.** If a part of [this act] is invalid, all valid parts that are  
3 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its  
4 applications, the part remains in effect in all valid applications that are severable from the invalid  
5 applications.

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