

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 mentally retarded person

1 whom the person knows or reasonably should know to be under the
2 age of 18 or to be a severely or profoundly mentally retarded
3 person, engaged in any activity described in subparagraphs (i)
4 through (vii) of paragraph (1) of Section 11-20.1 of the
5 Criminal Code of 1961 (720 ILCS 5/11-20.1).

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

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

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

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

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

18 "Obscene" has the meaning ascribed to that term in Section
19 11-20 of the Criminal Code of 1961 (720 ILCS 5/11-20).

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

24 "Public library" means any library established or
25 maintained by the State or by any unit of local government or
26 school district in this State but does not include any library

1 of a college or university.

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

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

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

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

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

22 Section 20. Rules; annual attestation.

23 (a) The State Librarian shall adopt rules to implement and
24 administer this Act.

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

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

12 Section 80. The State Finance Act is amended by adding
13 Section 5.675 as follows:

14 (30 ILCS 105/5.675 new)

15 Sec. 5.675. The Internet Screening in Public Libraries
16 Fund.

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

19 (75 ILCS 10/8.1) (from Ch. 81, par. 118.1)

20 Sec. 8.1. The State Librarian shall make grants annually
21 under this Section to all qualified public libraries in the

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

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

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

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

1 that is an increase over the previous year's extension of
2 5% or the percentage increase in the Consumer Price Index,
3 whichever is less.

4 (3) Be in compliance with the requirements set forth in
5 the Internet Screening in Public Libraries Act and the
6 administrative unit in whose jurisdiction the library is
7 located must have submitted the annual attestation
8 required under Section 20 of that Act.

9 Any other language in this Section to the contrary
10 notwithstanding, grants under this Section 8.1 shall be made
11 only upon application of the public library concerned, which
12 applications shall be entirely voluntary and within the sole
13 discretion of the public library concerned.

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

18 (Source: P.A. 93-527, eff. 8-14-03.)

19 Section 90. The State Mandates Act is amended by adding
20 Section 8.31 as follows:

21 (30 ILCS 805/8.31 new)

22 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
23 of this Act, no reimbursement by the State is required for the
24 implementation of any mandate created by this amendatory Act of

1 the 95th General Assembly.