



Rep. Kevin Joyce

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1 AMENDMENT TO HOUSE BILL 1727

2 AMENDMENT NO. _____. Amend House Bill 1727, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

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

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

15 Section 10. Definitions. In this Act:

1 "Administrative unit" means the entity designated by the
2 State or a unit of local government or school district as
3 responsible for the administration of all public library
4 locations established or maintained by that governmental
5 entity.

6 "Child pornography" means any film, videotape, photograph,
7 or other similar visual reproduction or depiction by computer
8 of any child or severely or profoundly mentally retarded person
9 whom the person knows or reasonably should know to be under the
10 age of 18 or to be a severely or profoundly mentally retarded
11 person, engaged in any activity described in subparagraphs (i)
12 through (vii) of paragraph (1) of Section 11-20.1 of the
13 Criminal Code of 1961 (720 ILCS 5/11-20.1).

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

16 (1) taken as a whole and with respect to minors,
17 appeals to a prurient interest in nudity, sex, or
18 excretion;

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

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

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

26 "Obscene" has the meaning ascribed to that term in Section

1 11-20 of the Criminal Code of 1961 (720 ILCS 5/11-20).

2 "Public computer" means a computer, as that term is defined
3 in Section 16D-2 of the Computer Crime Prevention Law (720 ILCS
4 5/16D-2), that is made available to the public and that has
5 Internet access.

6 "Public library" means any library established or
7 maintained by the State or by any unit of local government or
8 school district in this State but does not include any library
9 of a college or university.

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

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

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

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

24 (3) disablement of the technology protection measure by an
25 employee of the public library upon the request of a minor to

1 use the computer for legitimate research or some other lawful
2 purpose if that minor is adequately supervised for the duration
3 of the minor's use of the computer by an individual who is 21
4 years of age or older.

5 Section 20. Rules; annual attestation.

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

8 (b) The head of each administrative unit must annually
9 attest in writing that all public library locations within the
10 jurisdiction of the administrative unit are in compliance with
11 Section 15, as a condition of the receipt of any State grants
12 distributed through the State Librarian under the Illinois
13 Library Systems Act.

14 Section 25. Internet Screening in Public Libraries Fund.
15 The Internet Screening in Public Libraries Fund is created as a
16 special fund in the State treasury. Subject to appropriation,
17 the amounts in the Fund shall be used by the State Librarian to
18 implement and administer this Act.

19 Section 80. The State Finance Act is amended by adding
20 Section 5.675 as follows:

21 (30 ILCS 105/5.675 new)

22 Sec. 5.675. The Internet Screening in Public Libraries

1 Fund.

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

4 (75 ILCS 10/8.1) (from Ch. 81, par. 118.1)

5 Sec. 8.1. The State Librarian shall make grants annually
6 under this Section to all qualified public libraries in the
7 State from funds appropriated by the General Assembly. Such
8 grants shall be in the amount of up to \$1.25 per capita for the
9 population of the area served by the respective public library
10 and, in addition, the amount of up to \$0.19 per capita to
11 libraries serving populations over 500,000 under the Illinois
12 Major Urban Library Program. If the moneys appropriated for
13 grants under this Section are not sufficient the State
14 Librarian shall reduce the per capita amount of the grants so
15 that the qualifying public libraries receive the same amount
16 per capita.

17 To be eligible for grants under this Section, a public
18 library must:

19 (1) Provide, as determined by the State Librarian,
20 library services which either meet or show progress toward
21 meeting the Illinois library standards, as most recently
22 adopted by the Illinois Library Association.

23 (2) Be a public library for which is levied a tax for
24 library purposes at a rate not less than .13% or a county

1 library for which is levied a tax for library purposes at a
2 rate not less than .07%. If a library is subject to the
3 Property Tax Extension Limitation Law in the Property Tax
4 Code and its tax levy for library purposes has been lowered
5 to a rate of less than .13%, this requirement will be
6 waived if the library qualified for this grant in the
7 previous year and if the tax levied for library purposes in
8 the current year produces tax revenue for library purposes
9 that is an increase over the previous year's extension of
10 5% or the percentage increase in the Consumer Price Index,
11 whichever is less.

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

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

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

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

1 Section 90. The State Mandates Act is amended by adding
2 Section 8.31 as follows:

3 (30 ILCS 805/8.31 new)

4 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
5 of this Act, no reimbursement by the State is required for the
6 implementation of any mandate created by this amendatory Act of
7 the 95th General Assembly."