



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2689

by Rep. Peter Breen

SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5.866 new

75 ILCS 5/1-8 new

75 ILCS 10/8.1

30 ILCS 805/8.39 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. Amends the Illinois Library System Act to require compliance with and submit an annual attestation under this Act in order to be eligible for certain grants. Amends the Illinois Local Library Act to be subject to the provisions of this Act. Amends the State Mandates Act to require implementation without reimbursement.

LRB099 07997 SXM 28137 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 5.866 as follows:

15 (30 ILCS 105/5.866 new)

16 Sec. 5.866. The Internet Screening in Public Libraries
17 Fund.

18 Section 85. The Illinois Local Library Act is amended by
19 adding Section 1-8 as follows:

20 (75 ILCS 5/1-8 new)

21 Sec. 1-8. Internet Screening in Public Libraries Act.Each

1 library subject to this Act is subject to the provisions of the
2 Internet Screening in Public Libraries Act.

3 Section 90. The Illinois Library System Act is amended by
4 changing Section 8.1 as follows:

5 (75 ILCS 10/8.1) (from Ch. 81, par. 118.1)

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

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

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

24 (2) Be a public library for which is levied a tax for

1 library purposes at a rate not less than .13% or a county
2 library for which is levied a tax for library purposes at a
3 rate not less than .07%. If a library is subject to the
4 Property Tax Extension Limitation Law in the Property Tax
5 Code and its tax levy for library purposes has been lowered
6 to a rate of less than .13%, this requirement will be
7 waived if the library qualified for this grant in the
8 previous year and if the tax levied for library purposes in
9 the current year produces tax revenue for library purposes
10 that is an increase over the previous year's extension of
11 5% or the percentage increase in the Consumer Price Index,
12 whichever is less. Beginning in State Fiscal Year 2012 and
13 continuing through and including State Fiscal Year 2015,
14 the eligibility requirement in this subsection shall be
15 waived if a library's tax levy for library purposes has
16 been lowered to a rate of less than 0.13%, and the State
17 Librarian determines that the library (i) continues to meet
18 the requirements of item (1) of this Section and (ii)
19 received a grant under this Section in the previous fiscal
20 year.

21 (3) Be in compliance with the requirements set forth in
22 the Internet Screening in Public Libraries Act and the
23 administrative unit in whose jurisdiction the library is
24 located must have submitted the annual attestation
25 required under Section 20 of that Act.

26 Any other language in this Section to the contrary

1 notwithstanding, grants under this Section 8.1 shall be made
2 only upon application of the public library concerned, which
3 applications shall be entirely voluntary and within the sole
4 discretion of the public library concerned.

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

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

10 Section 95. The State Mandates Act is amended by adding
11 Section 8.39 as follows:

12 (30 ILCS 805/8.39 new)

13 Sec. 8.39. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by Internet Screening in
16 Public Libraries Act.