

# ASSEMBLY, No. 1107

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman STEVE CORODEMUS**

**District 11 (Monmouth)**

**SYNOPSIS**

Limits minors' access to certain Internet materials in public schools and libraries.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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1 **AN ACT** concerning the monitoring of Internet access by students in  
2 local public schools and public libraries and supplementing Title  
3 18A of the New Jersey Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. This act shall be known and may be cited as the "Student  
9 Internet Access Act."

10

11 2. The Legislature finds and declares that:

12 a. The Internet is an increasingly valuable medium for the  
13 collection and dissemination of information.

14 b. The large majority of public school districts and public libraries  
15 in this State already have Internet access.

16 c. Currently, a significant number of elementary and secondary  
17 schools use the Internet as a part of their respective curricula and  
18 encourage students to use the Internet as a means of acquiring  
19 information.

20 d. Many students have access to the Internet through Internet  
21 services at their schools and often are exposed to obscene and  
22 pornographic sites, as well as sites that encourage or advocate  
23 intolerance, extreme behavior and the use of alcohol and illicit drugs.

24 e. Increasingly, advertisers use the Internet to market obscene  
25 materials to millions of Internet users.

26 f. Various organizations make available via the Internet information  
27 advocating intolerance and extreme behavior.

28 g. The State has a compelling interest in protecting public  
29 elementary and secondary school students from inappropriate types of  
30 materials. It is, therefore, fitting that the Legislature enact a narrowly  
31 tailored remedy to protect students while avoiding undue interference  
32 with the growth and accessibility of this important medium and with  
33 the needs of public school districts and public libraries to use the  
34 Internet as a curriculum-enhancing learning tool.

35 h. It is also in the interest of the citizens of this State to ensure that  
36 public school districts and public libraries adopt policies for the use of  
37 Internet filtering software so as to restrict access by students to  
38 Internet sites that are inappropriate for their viewing.

39

40 3. As used in this act:

41 "Drug" means a controlled substance as well as a substance used for  
42 other than its primary purpose to alter an individual's state of mind.  
43 The term includes prescription drugs when used other than for their  
44 primary purpose.

45 "Gross depiction" means picture, descriptive text or audio  
46 communication of any individual or anything that is crudely vulgar or

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1 grossly deficient in civility or which shows scatological impropriety.  
2 The term includes depictions such as maiming, bloody figures or  
3 indecent depiction of bodily functions.

4 "Internet" means the international computer network of both federal  
5 and non-federal interoperable packet switched data networks.

6 "Internet filtering software" means a type of filtering program  
7 designed to reject Internet sites not suitable for students. The  
8 software may screen sites by word content, site rating or uniform  
9 resource locator (URL), using an updated database of objectionable  
10 sites, or any combination of these techniques, for the purpose of  
11 blocking the viewing of undesirable Internet content.

12 "Intolerance" means prejudice or discrimination against persons of  
13 any race, color, national origin, religion, disability or handicap, gender  
14 or sexual orientation. The term includes intolerant jokes and slurs.

15 "Militant or extreme behavior" means extremely aggressive and  
16 combative behavior or behavior which advocates unlawful action or  
17 activity.

18 "Obscenity" or "obscene" means material that, to the average  
19 person applying contemporary standards, the predominant appeal of  
20 the matter taken as a whole appeals to the prurient interest or lacks  
21 redeeming social importance.

22 "Partial nudity" means exposure of the female breast or male or  
23 female buttocks.

24 "Profanity" means obscene words or phrases.

25 "Satanic cult" means a closed society, often headed by a single  
26 individual, where loyalty is demanded and leaving may be punishable,  
27 where harm to oneself and others is advocated and worship of the  
28 devil and affinity for evil or wickedness is encouraged.

29 "Violence" means extreme cruelty or a physical or emotional act  
30 against any person or animal which is primarily intended to hurt or  
31 inflict pain.

32

33 4. a. The board of education of each public school district shall  
34 establish a program to monitor and control Internet access by students  
35 in accordance with this section. The board shall obtain and install  
36 Internet filtering software that will help it to monitor and control the  
37 Internet sites to which the students within the district will have access.

38 b. The board of education of each public school district shall  
39 develop a policy that shall clearly state what types of information shall  
40 be blocked from student access in that school district. The policy shall  
41 prohibit access by students to the following:

- 42 (1) Obscenity;
- 43 (2) Gross depictions;
- 44 (3) Depictions of sexual acts;
- 45 (4) Depictions of full and partial nudity; and

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1 (5) Information encouraging or advocating satanic cults,  
2 intolerance, militant or extreme behavior, violence or profanity and the  
3 sale, consumption or production of illicit drugs or alcohol products.

4 c. The board of education of each public school district shall  
5 designate a person who shall act as an administrator of the program  
6 under subsection a. of this section. The administrator shall be  
7 responsible for determining which Internet sites or types of sites are  
8 inappropriate for use and viewing by students in that school district in  
9 accordance with subsection b. of this section. The administrator also  
10 shall be responsible for selecting Internet filtering software,  
11 distributing software upgrades, monitoring daily activity, and  
12 providing for routine backups of such filtering software.

13  
14 5. a. If any public library, as defined in section 3 of P.L.1973,  
15 c.381 (C.18A:74-16), offers use of the Internet or a computer or  
16 computer program, network, or system to the public, its board of  
17 trustees shall require the library to utilize Internet filtering software to  
18 restrict access to matter prohibited in subsection b. of section 4 of this  
19 act on any computer available for use by persons under 18 years of  
20 age, unaccompanied by a parent or guardian.

21 b. The public library also shall:

22 (1) Require an adult library employee to monitor the terminals  
23 being used by minors; and

24 (2) Arrange the terminals in a configuration that allows a library  
25 staff employee to view the terminals used by minors at all times.

26  
27 6. Nothing in this act shall be construed to preempt or limit any  
28 requirements that are imposed by any public elementary or secondary  
29 school or a public library, or by the board of education for such school  
30 or by the board of trustees for such library, that are more stringent  
31 than the requirements of this act or to limit otherwise applicable  
32 federal or State pornography or obscenity laws.

33  
34 7. The State Treasurer or Commissioner of Education, as the case  
35 may be, is hereby empowered to withhold any form of State library  
36 aid, not to exceed 10 percent of the previous year allocation, from any  
37 school district or county, municipality or area library which does not  
38 comply with the provisions of this act, or with any rules and  
39 regulations duly adopted pursuant thereto.

40  
41 8. The Commissioner of Education shall, by regulation, establish  
42 a program to reimburse a school district or library subject to the  
43 provisions of this act for the cost of Internet filtering software utilized  
44 in compliance with this act. The Legislature shall annually appropriate  
45 a sum sufficient to defray the cost of reimbursements, as certified by  
46 the commissioner.

1 9. This act shall take effect on the first day of the sixth month after  
2 enactment.

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5 STATEMENT

6  
7 This bill requires public school districts which provide Internet  
8 access for their students and local public libraries which provide  
9 Internet access for their patrons to utilize software filters that would  
10 restrict minors' access to obscene and other potentially harmful matter.

11 Public libraries are directed to utilize filtering software to prohibit  
12 access to restricted matter for persons under age 18. The library also  
13 would be expected to:

- 14 \* Require adult library employees to monitor the terminals used  
15 by minors, and
- 16 \* Arrange the terminals so that library employees can view the  
17 terminals used by minors at all times.

18 The bill requires the board of education of each public school  
19 district to establish a program to monitor and control Internet access  
20 by students in that district. Each board of education would be  
21 expected to develop a policy to clearly state what types of information  
22 would be blocked based on the content restricted by the bill. This  
23 includes obscenity, gross depictions, depictions of sexual acts or  
24 nudity, intolerance, militant or extreme behavior, cult activity,  
25 violence, and the sale, consumption or production of illicit drugs and  
26 alcohol.

27 More stringent requirements imposed by public schools and libraries  
28 would not be preempted or limited by the bill. The State Treasurer,  
29 with respect to public libraries, and the Commissioner of the  
30 Department of Education, with respect to public school district  
31 libraries, are authorized to withhold up to 10 percent of State library  
32 aid to schools and libraries which do not comply with the provisions  
33 of this act.

34 School districts and libraries could apply to the State for partial or  
35 full reimbursement of Internet filtering software costs. The bill would  
36 require the Legislature to annually appropriate a sum sufficient to  
37 cover these reimbursements.

38 As of early 1999, 95.8 percent of New Jersey schools had at least  
39 one Internet access point. Access to the Internet ranged from  
40 49.9 percent of students in Middlesex County to 98.2 percent of  
41 students in Hudson County. By the year 2002, it is expected that  
42 every school district will have a high speed Internet connection,  
43 according to the Department of Education survey, "Technology for  
44 Learning." About 95 percent of public libraries are currently "wired"  
45 for the Internet.