

ASSEMBLY, No. 2196

STATE OF NEW JERSEY 209th LEGISLATURE

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Sponsored by:

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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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 chapter
3 74 of Title 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 school districts and public libraries in this
15 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 elementary and
29 secondary school students from the above mentioned 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 school districts and public libraries to use the Internet as
34 a curriculum-enhancing learning tool.

35 h. It is also in the interest of the citizens of this State to ensure that
36 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. Each school district shall establish a program to monitor and
34 control Internet access by students in accordance with this section.
35 The school district shall obtain and install Internet filtering software
36 that will help it to monitor and control the Internet sites to which its
37 students will have access.

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

42 (1) Obscenity;

43 (2) Gross depictions;

44 (3) Depictions of sexual acts;

45 (4) Depictions of full and partial nudity; and

46 (5) Information encouraging or advocating satanic cults,

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1 intolerance, extreme behavior, violence or profanity and the sale,
2 consumption or production of illicit drugs or alcohol products.

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

11

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

19 b. The public library also shall:

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

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

24

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

31

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

38

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

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7 This bill requires public school district libraries and local public
8 libraries which provide Internet access for their patrons to utilize
9 software filters that would restrict minors' access to obscene and other
10 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 C Require adult library employees to monitor the terminals used
15 by minors, and

16 C Arrange the terminals so that library employees can view the
17 terminals used by minors at all times.

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

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

32 Libraries could apply to the State for partial or full reimbursement
33 of Internet filtering software costs. The bill would require the
34 Legislature to annually appropriate a sum sufficient to cover these
35 reimbursements.

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