



# HOUSE OF REPRESENTATIVES

HB 2712

computer access by minors

Sponsor: Representative Court

X Committee on Technology and Infrastructure

Caucus and COW

House Engrossed

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## OVERVIEW

HB 2712 modifies definitions and rules governing the access of minors to harmful material on public access computers.

## HISTORY

Currently a public school that provides public access computers is required to equip the computer with software that seeks to prevent minors from gaining access to material that is harmful to minors or purchase internet connectivity from an internet service provider that provides filter services to limit access to material that is harmful to minors. Standards and rules for the enforcement of this statute shall be prescribed by the governing board of every school district (Arizona Revised Statutes (A.R.S.) § 34-502).

*Public access computer* means a computer that is located in a public school or public library, is frequently or regularly used directly by a minor and is connected to any computer communication system (A.R.S. § 34-501).

## PROVISIONS

### *School Districts*

- Mandates that public access computers deploy and enforce a technology protection measure preventing minors from gaining access to visual depictions that are child pornography, harmful to minors, or obscene.
- Requires the governing board of every school district to prescribe policies, standards, and rules for the enforcement of computer access.
- States that every school district must make its policies, standards, and rules available to the public.
- Requires the State Board of Education (Board) or the Superintendent of Public Instruction (Superintendent) to notify the school district or charter school that it is in violation of this Act.
- Grants the Board or Superintendent the option to direct the Department of Education (Department) to withhold up to 10% of the monthly apportionment of state aid that would otherwise be due to the school district or charter school if the Board or Superintendent determines that the school district or charter school has failed to comply with this Act within 60 days after a notice has been issued.
- Directs the Department to adjust the school district or charter school's apportionment accordingly. When the Board or Superintendent determines that the school district or charter school is in compliance with this Act, the Department must restore the full amount of state aid payments to the school district or charter school.

*Public Libraries*

- Requires public libraries that provide public access computers to do both of the following:
  - Deploy and enforce a technology protection measure to prevent minors from gaining access to visual depictions that are child pornography, harmful to minors or obscene.
  - Deploy and enforce a technology protection measure to prevent anyone from gaining access to visual depictions that are child pornography or obscene.
- Grants the administrator, supervisor or other representative of a public library the option to disable a technology protection measure if both of the following apply:
  - The request is from a library patron who is not a minor.
  - The technology is disabled only to enable access for research or other lawful purpose.
- States that the Director of Arizona State Library Archives and Public Records must adopt rules for the enforcement of public access computer restrictions and also make the rules available to the public.
- Requires a public library to post the rules and its policies in a conspicuous place for library patrons to view.
- Directs a governing body that operates a public library develop a policy for the library to implement the rules adopted in an open meeting. This policy must be reviewed by the governing body at least every three years.
- Mandates that the policy:
  - State that it restricts access to internet or online sites that contain child pornography, material harmful to minors or obscene material.
  - State how the library intends to meet the requirements of this Act.
  - Require the public library to inform patrons that administrative procedures and guidelines for the staff to follow in enforcing the rules that have been adopted and are available for review at the library.
  - Require the public library to inform patrons that procedures for use by patrons and staff to handle complaints about the rule, its enforcement or about observed patron behavior have been adopted and are available for review at the library.
- Requires that if the governing body that operates a public library determines that the public library is in violation of this Act, the governing body is required to notify the public library that it is in violation.
- Grants the governing body the option to direct the appropriate department or agency to withhold up to 10% of the monthly apportionment of public monies that would otherwise be due to the public library, if the governing body determines that the public library has failed to comply with this Act within 60 days after a notice has been issued.
- States that the governing body must restore the full amount of public monies to the public library when the governing body determines that the public library is in compliance with this Act.

*Miscellaneous*

- Defines *child pornography*, *technology protection measure*, and *obscene*.
- Modifies the definition of *public access computer*.
- Makes technical and conforming changes.