

House Engrossed

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 166

HOUSE BILL 2712

AN ACT

AMENDING SECTIONS 34-501 AND 34-502, ARIZONA REVISED STATUTES; RELATING TO
COMPUTER ACCESS BY MINORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 34-501, Arizona Revised Statutes, is amended to
3 read:

4 34-501. Definitions

5 In this article, unless the context otherwise requires:

6 1. "CHILD PORNOGRAPHY" MEANS THE VISUAL DEPICTION OF SEXUAL
7 EXPLOITATION OF A MINOR AS PRESCRIBED IN SECTION 13-3553.

8 ~~1.~~ 2. "Harmful to minors" has the same meaning as prescribed in
9 section 13-3501, ~~paragraph 1.~~

10 3. "OBSCENE" HAS THE SAME MEANING PRESCRIBED IN 20 UNITED STATES CODE
11 SECTION 9101.

12 ~~2.~~ 4. "Public access computer" means a computer that IS ALL OF THE
13 FOLLOWING:

14 (a) ~~Is~~ Located in a public school or public library.

15 (b) ~~Is frequently or regularly used directly~~ AUTHORIZED FOR USE BY OR
16 AVAILABLE FOR USE by a minor.

17 (c) ~~Is~~ Connected to any computer communication system.

18 (d) VISIBLE TO A MINOR.

19 5. "TECHNOLOGY PROTECTION MEASURE" MEANS A TECHNOLOGY THAT BLOCKS OR
20 FILTERS INTERNET ACCESS TO VISUAL DEPICTIONS.

21 Sec. 2. Section 34-502, Arizona Revised Statutes, is amended to read:

22 34-502. Computer access; child pornography; visual depictions
23 harmful to minors; obscene; procedures

24 A. A public school that provides a public access computer shall ~~equip~~
25 ~~the computer with software that seeks~~ DEPLOY AND ENFORCE A TECHNOLOGY
26 PROTECTION MEASURE to prevent minors from gaining access to ~~material that is~~
27 ~~harmful to minors or purchase internet connectivity from an internet service~~
28 ~~provider that provides filter services to limit access to material~~ VISUAL
29 DEPICTIONS that ~~is~~ ARE CHILD PORNOGRAPHY, harmful to minors OR OBSCENE. THE
30 GOVERNING BOARD OF EVERY SCHOOL DISTRICT SHALL PRESCRIBE POLICIES, standards
31 and rules for the enforcement of this subsection ~~shall be prescribed by the~~
32 ~~governing board of every school district.~~ EVERY SCHOOL DISTRICT SHALL MAKE
33 ITS POLICIES, STANDARDS AND RULES AVAILABLE TO THE PUBLIC.

34 B. A public library that provides a public access computer shall do
35 ~~one or both of the following:~~

36 ~~1. Equip the computer with software that will limit minors' ability to~~
37 ~~gain access to material that is harmful to minors or purchase internet~~
38 ~~connectivity from an internet service provider that provides filter services~~
39 ~~to limit access to material that is harmful to minors.~~

40 ~~2. Develop and implement by January 1, 2000, a policy that establishes~~
41 ~~measures to restrict minors from gaining computer access to material that is~~
42 ~~harmful to minors.~~

43 1. DEPLOY AND ENFORCE A TECHNOLOGY PROTECTION MEASURE TO PREVENT
44 MINORS FROM GAINING ACCESS TO VISUAL DEPICTIONS THAT ARE CHILD PORNOGRAPHY,
45 HARMFUL TO MINORS OR OBSCENE.

1 2. DEPLOY AND ENFORCE A TECHNOLOGY PROTECTION MEASURE TO PREVENT
2 ANYONE FROM GAINING ACCESS TO VISUAL DEPICTIONS THAT ARE CHILD PORNOGRAPHY OR
3 OBSCENE.

4 C. AN ADMINISTRATOR, SUPERVISOR OR OTHER REPRESENTATIVE OF A PUBLIC
5 LIBRARY MAY DISABLE A TECHNOLOGY PROTECTION MEASURE DESCRIBED IN SUBSECTION B
6 OF THIS SECTION IF BOTH OF THE FOLLOWING APPLY:

7 1. THE REQUEST IS FROM A LIBRARY PATRON WHO IS NOT A MINOR.
8 2. THE TECHNOLOGY IS DISABLED ONLY TO ENABLE ACCESS FOR RESEARCH OR
9 OTHER LAWFUL PURPOSES.

10 ~~C.~~ D. THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC
11 RECORDS SHALL ADOPT rules for the enforcement of subsection B ~~shall be~~
12 ~~adopted by the director of the Arizona state library, archives and public~~
13 ~~records~~ OF THIS SECTION. THE DIRECTOR OF THE ARIZONA STATE LIBRARY, ARCHIVES
14 AND PUBLIC RECORDS SHALL MAKE THE RULES AVAILABLE TO THE PUBLIC. A PUBLIC
15 LIBRARY SHALL POST THE RULES AND ITS POLICIES IN A CONSPICUOUS PLACE FOR
16 LIBRARY PATRONS TO VIEW.

17 E. A GOVERNING BODY THAT OPERATES A PUBLIC LIBRARY SHALL DEVELOP A
18 POLICY FOR THE LIBRARY TO IMPLEMENT THE RULES DEVELOPED PURSUANT TO
19 SUBSECTION D OF THIS SECTION THAT ARE ADOPTED AT AN OPEN MEETING. THE
20 GOVERNING BODY SHALL REVIEW THE POLICY AT LEAST EVERY THREE YEARS. THE
21 POLICY SHALL:

22 1. STATE THAT IT RESTRICTS ACCESS TO INTERNET OR ONLINE SITES THAT
23 CONTAIN MATERIAL DESCRIBED IN THIS SECTION.

24 2. STATE HOW THE LIBRARY INTENDS TO MEET THE REQUIREMENTS OF THIS
25 SECTION.

26 3. REQUIRE THE PUBLIC LIBRARY TO INFORM PATRONS THAT ADMINISTRATIVE
27 PROCEDURES AND GUIDELINES FOR THE STAFF TO FOLLOW IN ENFORCING THE RULES HAVE
28 BEEN ADOPTED AND ARE AVAILABLE FOR REVIEW AT THE LIBRARY.

29 4. REQUIRE THE PUBLIC LIBRARY TO INFORM PATRONS THAT PROCEDURES FOR
30 USE BY PATRONS AND STAFF TO HANDLE COMPLAINTS ABOUT THE RULE, ITS ENFORCEMENT
31 OR ABOUT OBSERVED PATRON BEHAVIOR HAVE BEEN ADOPTED AND ARE AVAILABLE FOR
32 REVIEW AT THE LIBRARY.

33 ~~D.~~ F. A public school that complies with subsection A OF THIS SECTION
34 or a public library that complies with subsection B OF THIS SECTION shall not
35 be criminally liable or liable for any damages that might arise from a minor
36 gaining access to ~~material~~ VISUAL DEPICTIONS that ~~is~~ ARE CHILD PORNOGRAPHY,
37 harmful to minors OR OBSCENE through the use of a public access computer that
38 is owned or controlled by the public school or public library.

39 G. IF THE STATE BOARD OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC
40 INSTRUCTION DETERMINES THAT A SCHOOL DISTRICT OR CHARTER SCHOOL IS IN
41 VIOLATION OF SUBSECTION A OF THIS SECTION, THE STATE BOARD OF EDUCATION OR
42 THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOTIFY THE SCHOOL DISTRICT OR
43 CHARTER SCHOOL THAT IT IS IN VIOLATION OF SUBSECTION A OF THIS SECTION. IF
44 THE STATE BOARD OF EDUCATION OR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
45 DETERMINES THAT THE SCHOOL DISTRICT OR CHARTER SCHOOL HAS FAILED TO COMPLY

1 WITH SUBSECTION A OF THIS SECTION WITHIN SIXTY DAYS AFTER A NOTICE HAS BEEN
2 ISSUED PURSUANT TO THIS SUBSECTION, THE STATE BOARD OF EDUCATION OR THE
3 SUPERINTENDENT OF PUBLIC INSTRUCTION MAY DIRECT THE DEPARTMENT OF EDUCATION
4 TO WITHHOLD UP TO TEN PER CENT OF THE MONTHLY APPORTIONMENT OF STATE AID THAT
5 WOULD OTHERWISE BE DUE THE SCHOOL DISTRICT OR CHARTER SCHOOL. THE DEPARTMENT
6 OF EDUCATION SHALL ADJUST THE SCHOOL DISTRICT OR CHARTER SCHOOL'S
7 APPORTIONMENT ACCORDINGLY. WHEN THE STATE BOARD OF EDUCATION OR THE
8 SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THE SCHOOL DISTRICT OR
9 CHARTER SCHOOL IS IN COMPLIANCE WITH SUBSECTION A OF THIS SECTION, THE
10 DEPARTMENT OF EDUCATION SHALL RESTORE THE FULL AMOUNT OF STATE AID PAYMENTS
11 TO THE SCHOOL DISTRICT OR CHARTER SCHOOL.

12 H. IF THE GOVERNING BODY THAT OPERATES A PUBLIC LIBRARY DETERMINES THAT
13 THE PUBLIC LIBRARY IS IN VIOLATION OF SUBSECTION B OF THIS SECTION, THE
14 GOVERNING BODY SHALL NOTIFY THE PUBLIC LIBRARY THAT IT IS IN VIOLATION OF
15 SUBSECTION B OF THIS SECTION. IF THE GOVERNING BODY DETERMINES THAT THE
16 PUBLIC LIBRARY HAS FAILED TO COMPLY WITH SUBSECTION B OF THIS SECTION WITHIN
17 SIXTY DAYS AFTER A NOTICE HAS BEEN ISSUED PURSUANT TO THIS SUBSECTION, THE
18 GOVERNING BODY MAY DIRECT THE APPROPRIATE DEPARTMENT OR AGENCY TO WITHHOLD UP
19 TO TEN PER CENT OF THE MONTHLY APPORTIONMENT OF PUBLIC MONIES THAT WOULD
20 OTHERWISE BE DUE TO THE PUBLIC LIBRARY. WHEN THE GOVERNING BODY DETERMINES
21 THAT THE PUBLIC LIBRARY IS IN COMPLIANCE WITH SUBSECTION B OF THIS SECTION,
22 THE GOVERNING BODY SHALL RESTORE THE FULL AMOUNT OF PUBLIC MONIES TO THE
23 PUBLIC LIBRARY.

APPROVED BY THE GOVERNOR APRIL 3, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 3, 2012.

Passed the House March 5, 20 12

Passed the Senate March 28, 20 12

by the following vote: 58 Ayes,

by the following vote: 30 Ayes,

0 Nays, 2 Not Voting

0 Nays, 0 Not Voting



Speaker of the House



President of the Senate



Chief Clerk of the House



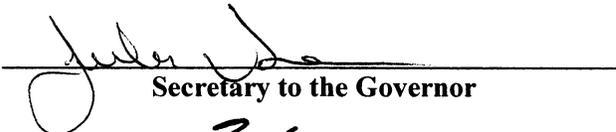
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

29 day of March, 20 12

at 1:15 o'clock P M.


Secretary to the Governor

Approved this 3rd day of

April

at 11:12 o'clock A M.


Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 3rd day of April, 20 12

at 1:16 o'clock P M.


Secretary of State

H.B. 2712