

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

709C0706

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1186** - 2/3/99

Introduced by: Representatives Hunt and Cerny and Senators Frederick and Lange

1 FOR AN ACT ENTITLED, An Act to ensure that minors do not gain access to obscene
2 materials on certain public access computers and to limit liability for certain related actions.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Any public library or public school that provides a public access computer shall
5 do one or both of the following:

6 (1) Equip the computer with software that will limit minor's ability to gain access to
7 obscene materials or purchase internet connectivity from an internet service provider
8 that provides filter services to limit access to obscene materials;

9 (2) Develop and implement by January 1, 2001, a policy that establishes measures to
10 ensure that minors do not gain computer access to obscene materials.

11 Section 2. Any public school that complies with section 1 of this Act or any public library
12 that complies with section 1 of this Act may not be held liable for any damages that may arise
13 from a minor gaining access to obscene materials through the use of a public access computer
14 that is owned or controlled by the public school or public library.

15 Section 3. For the purposes of this Act, obscene material is defined pursuant to subdivision
16 22-24-27(11).

- 1 Section 4. For the purposes of this Act, a public access computer is any computer that:
- 2 (1) Is located in a public school or public library;
- 3 (2) Is frequently or regularly used directly by a minor; and
- 4 (3) Is connected to any computer communication system.

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to Judiciary. H.J. 209

3 2/1/99 Scheduled for Committee hearing on this date.

4 2/1/99 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 1. H.J. 310