

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

709C0706

## HOUSE BILL NO. 1186

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

1 FOR AN ACT ENTITLED, An Act to restrict the access of minors to obscene materials on  
2 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 school that provides a public access computer shall equip the computer  
5 with software that will prevent minors from gaining access to obscene materials or purchase  
6 internet connectivity from an internet service provider that provides filter services to limit access  
7 to obscene materials.

8 Section 2. Any public library that provides a public access computer shall do one or both of  
9 the following:

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

13 (2) Develop and implement by January 1, 2001, a policy that establishes measures to  
14 restrict minors from gaining computer access to obscene materials.

15 Section 3. Any public school that complies with section 1 of this Act or any public library  
16 that complies with section 2 of this Act may not be held liable for any damages that may arise  
17 from a minor gaining access to obscene materials through the use of a public access computer

1 that is owned or controlled by the public school or public library.

2 Section 4. For the purposes of this Act, obscene material is defined pursuant to subdivision

3 22-24-27(11).

4 Section 5. For the purposes of this Act, a public access computer is any computer that:

- 5 (1) Is located in a public school or public library;
- 6 (2) Is frequently or regularly used directly by a minor; and
- 7 (3) Is connected to any computer communication system.