

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

709C0706

## SENATE EDUCATION COMMITTEE ENGROSSED NO. **HB1186** - 2/19/99

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

1 FOR AN ACT ENTITLED, An Act to restrict access by minors to obscene materials on certain  
2 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 do one or both of  
5 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 local policy that establishes measures  
10 to restrict minors from computer access to obscene materials.

11 Section 2. Any public library that provides a public access computer shall develop and  
12 implement, by January 1, 2001, a local policy that establishes measures to restrict minors from  
13 computer access to obscene materials.

14 Section 3. Any public school that complies with section 1 of this Act or any public library  
15 that complies with section 2 of this Act may not be held liable for any damages that may arise  
16 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 is  
5 located in a public school or public library.

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

5 2/4/99 Motion to Amend, Passed, AYES 49, NAYS 15. H.J. 378

6 2/4/99 House of Representatives Do Pass Amended, Passed, AYES 45, NAYS 21. H.J. 379

7 2/4/99 House of Representatives Title Amended Passed. H.J. 380

8 2/5/99 First read in Senate and referred to Education. S.J. 347

9 2/11/99 Scheduled for Committee hearing on this date.

10 2/16/99 Scheduled for Committee hearing on this date.

11 2/18/99 Scheduled for Committee hearing on this date.

12 2/18/99 Education Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 554