

SENATE BILL NO. 276

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

0954S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 182.825 and 182.827, RSMo, and to enact in lieu thereof three new sections relating to access to pornographic materials.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 182.825 and 182.827, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 182.825, 182.826, and 182.827, to read as
4 follows:

182.825. As used in sections 182.825, **182.826**, and
2 182.827, the following terms mean:

3 (1) **"Digital library catalog", an electronic database,**
4 **application, or website that lists the materials in an**
5 **elementary or secondary public school, charter school, or**
6 **public library and allows users to search for them,**
7 **including, but not limited to, books, electronic books,**
8 **periodicals, and multimedia content, including, but not**
9 **limited to, images, audio, and videos;**

10 (2) "Pornographic for minors", as that term is defined
11 in section 573.010;

12 [(2)] (3) "Public access computer", a computer that is:

13 (a) Located in an elementary or secondary public
14 school, **charter school**, or public library;

15 (b) Frequently or regularly used directly by a minor;

16 and

17 (c) Connected to any computer communication system.

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

182.826. 1. A public elementary or secondary school,
2 including a public charter school, shall post on its website
3 the names of all books required for any students of such
4 school and provide parents of students enrolled in the
5 school access to the school's digital library catalog.

6 2. Each school district and charter school shall adopt
7 a written educational materials challenge policy that:

8 (1) Is easily accessible by the public;

9 (2) Allows any individual to dispute or challenge such
10 school district's or school's age-appropriate designation
11 assigned to any book, material, or display in the school
12 district or school, including, but not limited to, any
13 materials available to students through a digital library
14 catalog; and

15 (3) Discloses to the public and publishes on the
16 district's or school's website the results of any such
17 dispute or challenge.

18 3. Any parent of a student may bring a civil action,
19 including an action for injunctive relief or for damages,
20 against any school board member, charter school governing
21 body member, or other school district, public school, or
22 charter school officer or employee, including library
23 personnel, for any violation of this section that occurs as
24 a result of gross negligence or intentional or willful and
25 wanton misconduct by such school board member, charter
26 school governing body member, or other public school, school
27 district, or charter school officer or employee, including
28 library personnel. Such action shall be brought in the
29 county where the violation occurred. If the parent
30 prevails, the court shall award to such parent court costs
31 and reasonable attorney's fees and any other damages or

32 **remedy which in the judgment of the court shall be**
33 **appropriate.**

182.827. 1. A public school **or public charter school**
2 that provides a public access computer **or a digital library**
3 **catalog** shall do one or both of the following:

4 (1) Equip the computer **or digital library catalog** with
5 software that will limit minors' ability to gain access to
6 material that is pornographic for minors or purchase
7 internet connectivity from an internet service provider that
8 provides filter services to limit access to material that is
9 pornographic for minors;

10 (2) Develop and implement by January 1, [2003] **2025**, a
11 policy that is consistent with community standards and
12 establishes measures to restrict minors from gaining
13 computer access **or digital library catalog access** to
14 material that is pornographic for minors.

15 2. The department of elementary and secondary
16 education shall establish rules and regulations for the
17 enforcement of subsection 1 of this section. Any rule or
18 portion of a rule, as that term is defined in section
19 536.010, that is created under the authority delegated in
20 this section shall become effective only if it complies with
21 and is subject to all of the provisions of chapter 536 and,
22 if applicable, section 536.028. This section and chapter
23 536 are nonseverable and if any of the powers vested with
24 the general assembly pursuant to chapter 536 to review, to
25 delay the effective date or to disapprove and annul a rule
26 are subsequently held unconstitutional, then the grant of
27 rulemaking authority and any rule proposed or adopted after
28 August 28, 2002, shall be invalid and void.

29 3. A public library that provides a public access
30 computer **or digital library catalog** shall do one or both of
31 the following:

32 (1) Equip the computer **or digital library catalog** with
33 software that will limit minors' ability to gain access to
34 material that is pornographic for minors or purchase
35 internet connectivity from an internet service provider that
36 provides filter services to limit access to material that is
37 pornographic for minors;

38 (2) Develop and implement by January 1, [2003] **2025**, a
39 policy that is consistent with community standards and
40 establishes measures to restrict minors from gaining
41 computer access **or digital library catalog access** to
42 material that is pornographic for minors.

43 4. The secretary of state shall establish rules and
44 regulations for the enforcement of subsection 3 of this
45 section. Any rule or portion of a rule, as that term is
46 defined in section 536.010, that is created under the
47 authority delegated in this section shall become effective
48 only if it complies with and is subject to all of the
49 provisions of chapter 536 and, if applicable, section
50 536.028. This section and chapter 536 are nonseverable and
51 if any of the powers vested with the general assembly
52 pursuant to chapter 536 to review, to delay the effective
53 date or to disapprove and annul a rule are subsequently held
54 unconstitutional, then the grant of rulemaking authority and
55 any rule proposed or adopted after August 28, 2002, shall be
56 invalid and void.

57 5. Any public school board member, **charter school**
58 **governing body member, or other public school, school**
59 **district, or charter school** officer or employee, including
60 library personnel, who willfully neglects or refuses to

61 perform a duty imposed by this section shall be subject to
62 the penalties imposed pursuant to section 162.091.

63 6. **Any parent of a student may bring a civil action,**
64 **including an action for injunctive relief or for damages,**
65 **against any school board member, charter school governing**
66 **body member, or other school district, public school, or**
67 **charter school officer or employee, including library**
68 **personnel, for any violation of this section that occurs as**
69 **a result of gross negligence or intentional or willful and**
70 **wanton misconduct by such school board member, officer, or**
71 **employee, including library personnel. Such action shall be**
72 **brought in the county where the violation occurred. If the**
73 **parent prevails, the court shall award to such parent court**
74 **costs and reasonable attorney's fees and any other damages**
75 **or remedy which in the judgment of the court shall be**
76 **appropriate.**

77 7. A public school or public school board member,
78 **charter school governing body member, or other public**
79 **school, school district, or charter school** officer or
80 employee, including library personnel, public library or
81 public library board member, officer, employee or trustee
82 that complies with subsection 1 or 3 of this section or an
83 internet service provider providing internet connectivity to
84 such public school, **school district, charter school,** or
85 library in order to comply with this section shall not be
86 criminally liable or liable for any damages that might arise
87 from a minor gaining access to material that is pornographic
88 for minors through the use of a public access computer **or**
89 **digital library catalog** that is owned or controlled by the
90 public school, **school district, charter school,** or public
91 library.

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