



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Sub. H.B. 132

125th General Assembly
(S. Judiciary)

The Senate committee amended the bill to do the following:

Modifies the offense of public indecency contained in current law so that no person may recklessly expose the person's private parts, engage in sexual conduct or masturbation, or engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation under circumstances in which the person's conduct is likely to be viewed by and affront others *who are in the person's physical proximity and* who are not members of the person's household (language in italics added in the Senate).

Modifies the prohibition that the House version added to the offense of public indecency so that it only applies if the victim of the offence is in the offender's physical proximity.

Expands the offense "disseminating matter harmful to juveniles" to prohibit a person, with knowledge of its character or content, from recklessly directly selling, delivering, furnishing, disseminating, providing, exhibiting, renting, or presenting a *prepaid adult entertainment card* to one or more juveniles or one or more law enforcement officers posing as juveniles.

Specifies that the board of trustees of a free public library cannot use state money, or money received from any county library and local government support fund, to purchase computers used to access the Internet or to pay for direct costs associated with accessing the Internet, unless all of the following apply: (1) the board has installed and operates a filtering device or filtering software that protects against Internet access to material that is obscene or harmful to juveniles on library computers accessible to juveniles, (2) the board has installed and operates a filtering device or filtering software that protects against Internet access to obscene material on each computer located at the library that is accessible to any library patron, and (3) the board has adopted and enforces a policy prohibiting a juvenile from borrowing video material absent the parent or guardian's express permission.

* This synopsis does not address amendments that may have been adopted on the Senate floor.

Provides that: (1) if a board of library trustees installs and operates a filtering device or filtering software on computers located at a library, on the request of any person, any official or employee of the library may disable or override the device or software on a computer to enable full access to that computer for *bona fide* research, medical, scientific, educational, governmental, judicial, or other lawful purposes (a requestor who is 18 years of age or older is not required to explain, and cannot be asked to explain, the reason or purpose for the request), and (2) nothing in provisions described in the preceding dotpoint or in clause (1) of this dotpoint limits, restricts, or prohibits a board of library trustees, or any library official or employee, from regulating, limiting, restricting, or prohibiting any person from having access while at the library to material other than material that is obscene or harmful to juveniles.

Makes state funding of public libraries contingent on the recipient library's submission of a resolution asserting current and future compliance with the bill's restrictions regarding the use of public moneys and juvenile Internet access to obscene or harmful material, patron Internet access to obscene material, and juvenile borrowing of videos.

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12/08/04

