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Senate Bill 936 (Substitute S-4 as reported by the Committee of the Whole)

Sponsor: Senator Mike Rogers

Committee: Judiciary

CONTENT

The bill would amend the Library Privacy Act to require that libraries restrict minors' access to the Internet, and to shield a library, library board, and library employee from civil liability for good faith efforts to comply with the bill. The bill would take effect 90 days after its enactment.

Public Act 37 of 1999 amended the Act to specify that, if a library offers use of the Internet or a computer or computer program, network, or system to the public, its governing body may authorize or require the library to restrict access to minors. Under those provisions, a library may restrict access by making available to persons of any age one or more terminals that are restricted from receiving obscene or sexually explicit matter that is harmful to minors, and by reserving one or more terminals that are not restricted from receiving any material for persons who are at least 18 years old or minors accompanied by a parent or guardian.

The bill, instead, would require that a library's governing body adopt and require enforcement of a policy that would restrict minors' access to the use of the Internet or a computer, computer program, computer network, or computer system in one of the following ways:

- Adopting the restrictions currently permitted under the Act (i.e., the restrictions added by Public Act 37, as described above).
- Using a system or method designed to prevent a minor from viewing obscene matter or sexually explicit matter that is harmful to minors.

In addition, the bill specifies that a library, library governing body, member of a library governing body, or agent or employee of a library or library governing body would not be liable in a civil action for damages resulting from an act or omission made in a good faith effort to comply with the bill.

MCL 397.606

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate impact on local units of government. The savings related to the immunity provision would depend on potential future litigation that is not determinable.

Date Completed: 2-16-00

Fiscal Analyst: B. Bowerman