

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4191**

A bill to amend 1982 PA 455, entitled
"The library privacy act,"
by amending section 2 (MCL 397.602), as amended by 1998 PA 7, and
by adding section 6.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (A) "COMPUTER" MEANS ANY CONNECTED, DIRECTLY INTEROPERABLE
3 OR INTERACTIVE DEVICE, EQUIPMENT, OR FACILITY THAT USES A COM-
4 PUTER PROGRAM OR OTHER INSTRUCTIONS TO PERFORM SPECIFIC OPERA-
5 TIONS INCLUDING LOGICAL, ARITHMETIC, OR MEMORY FUNCTIONS WITH OR
6 ON COMPUTER DATA OR A COMPUTER PROGRAM, AND THAT CAN STORE,
7 RETRIEVE, ALTER, OR COMMUNICATE THE RESULTS OF THE OPERATIONS, TO
8 A PERSON, COMPUTER PROGRAM, COMPUTER, COMPUTER SYSTEM, OR
9 COMPUTER NETWORK.

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1 (B) "COMPUTER NETWORK" MEANS THE INTERCONNECTION OF HARDWARE
2 OR WIRELESS COMMUNICATION LINES WITH A COMPUTER THROUGH REMOTE
3 TERMINALS, OR A COMPLEX CONSISTING OF 2 OR MORE INTERCONNECTED
4 COMPUTERS.

5 (C) "COMPUTER PROGRAM" MEANS A SERIES OF INTERNAL OR EXTER-
6 NAL INSTRUCTIONS COMMUNICATED IN A FORM ACCEPTABLE TO A COMPUTER
7 THAT DIRECTS THE FUNCTIONING OF A COMPUTER, COMPUTER SYSTEM, OR
8 COMPUTER NETWORK IN A MANNER DESIGNED TO PROVIDE OR PRODUCE PRO-
9 DUCTS OR RESULTS FROM THE COMPUTER, COMPUTER SYSTEM, OR COMPUTER
10 NETWORK.

11 (D) "COMPUTER SYSTEM" MEANS A SET OF RELATED, CONNECTED OR
12 UNCONNECTED, COMPUTER EQUIPMENT, DEVICES, SOFTWARE, OR HARDWARE.

13 (E) "DEVICE" INCLUDES, BUT IS NOT LIMITED TO, AN ELECTRONIC,
14 MAGNETIC, ELECTROCHEMICAL, BIOCHEMICAL, HYDRAULIC, OPTICAL, OR
15 ORGANIC OBJECT THAT PERFORMS INPUT, OUTPUT, OR STORAGE FUNCTIONS
16 BY THE MANIPULATION OF ELECTRONIC, MAGNETIC, OR OTHER IMPULSES.

17 (F) "HARMFUL TO MINORS" MEANS THAT TERM AS IT IS DEFINED IN
18 SECTION 4 OF 1978 PA 33, MCL 722.674.

19 (G) "INTERNET" MEANS THAT TERM AS DEFINED IN SECTION 230 OF
20 TITLE II OF THE COMMUNICATIONS ACT OF 1934, CHAPTER 652, 110
21 STAT. 137, 47 U.S.C. 230.

22 (H) ~~—(a)—~~ "Library" includes a library that is established
23 by the state; a county, city, township, village, school district,
24 or other local unit of government or authority or combination of
25 local units of governments and authorities; a community college
26 district; a college or university; or any private library open to
27 the public.

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1 (I) ~~(b)~~ "Library record" means a document, record, or
2 other method of storing information retained by a library that
3 contains information that personally identifies a library patron,
4 including the patron's name, address, or telephone number, or
5 that identifies a person as having requested or obtained specific
6 materials from a library. Library record does not include noni-
7 dentifying material that may be retained for the purpose of
8 studying or evaluating the circulation of library materials in
9 general.

10 (J) "MINOR" MEANS AN INDIVIDUAL WHO IS LESS THAN 18 YEARS OF
11 AGE.

12 (K) "OBSCENE" MEANS THAT TERM AS IT IS DEFINED IN SECTION 2
13 OF 1984 PA 343, MCL 752.362.

14 (l) "SEXUALLY EXPLICIT MATTER" MEANS THAT TERM AS IT IS
15 DEFINED IN SECTION 3 OF 1978 PA 33, MCL 722.673.

16 (M) "TERMINAL" MEANS A DEVICE USED TO ACCESS THE INTERNET OR
17 A COMPUTER, COMPUTER PROGRAM, COMPUTER NETWORK, OR COMPUTER
18 SYSTEM.

19 SEC. 6. IF A LIBRARY OFFERS USE OF THE INTERNET OR A COM-
20 PUTER, COMPUTER PROGRAM, COMPUTER NETWORK, OR COMPUTER SYSTEM TO
21 THE PUBLIC, THE GOVERNING BODY OF THAT LIBRARY MAY AUTHORIZE OR
22 MAY REQUIRE THAT THE LIBRARY RESTRICT ACCESS TO MINORS BY PROVID-
23 ING THE USE OF THE INTERNET OR A COMPUTER, COMPUTER PROGRAM, COM-
24 PUTER NETWORK, OR COMPUTER SYSTEM IN THE FOLLOWING MANNER:

25 (A) BY MAKING AVAILABLE, TO INDIVIDUALS OF ANY AGE, 1 OR
26 MORE TERMINALS THAT ARE RESTRICTED FROM RECEIVING OBSCENE MATTER
27 OR SEXUALLY EXPLICIT MATTER THAT IS HARMFUL TO MINORS.

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1 (B) BY RESERVING, TO INDIVIDUALS 18 YEARS OF AGE OR OLDER OR
2 MINORS WHO ARE ACCOMPANIED BY THEIR PARENT OR GUARDIAN, 1 OR MORE
3 TERMINALS THAT ARE NOT RESTRICTED FROM RECEIVING ANY MATERIAL.

4 Enacting section 1. This amendatory act takes effect August
5 1, 1999.