**SUBSTITUTE FOR**

**SENATE BILL NO. 936**

A bill to amend 1982 PA 455, entitled

"The library privacy act,"

by amending section 6 (MCL 397.606), as added by 1999 PA 37.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** Sec. 6. (1) If a library offers use of the internet or a

**2** computer, computer program, computer network, or computer system

**3** to the public, the governing body of that library ~~may authorize~~

**4** ~~or may require that the library restrict~~ SHALL ADOPT AND REQUIRE

**5** ENFORCEMENT OF A POLICY THAT RESTRICTS access to minors by pro-

**6** viding the use of the internet or a computer, computer program,

**7** computer network, or computer system in 1 OF the following

**8** ~~manner~~ WAYS:

**9** (A) BOTH OF THE FOLLOWING:

S00204'99 * (S-4)                                                    JJG

Senate Bill No. 936 as amended February 16 and 17, 2000          2

1          (*i*) ~~(a)~~ By making available, to individuals of any age, 1

2    or more terminals that are restricted from receiving obscene

3    matter or sexually explicit matter that is harmful to minors.

4          (*ii*) ~~(b)~~ By reserving, to individuals 18 years of age or

5    older or minors who are accompanied by their parent or guardian,

6    1 or more terminals that are not restricted from receiving any

7    material.

8          (B) BY UTILIZING A SYSTEM OR METHOD THAT IS DESIGNED TO PREVENT A

9    MINOR FROM VIEWING OBSCENE MATTER OR SEXUALLY EXPLICIT MATTER

10   THAT IS HARMFUL TO MINORS.

11         (2) A GOVERNING BODY OF A LIBRARY, MEMBER OF A GOVERNING

12   BODY OF A LIBRARY, LIBRARY, OR AN AGENT OR EMPLOYEE OF A GOVERN-

13   ING BODY OF A LIBRARY OR LIBRARY, IS NOT LIABLE IN A CIVIL ACTION

14   FOR DAMAGES RESULTING FROM AN ACT OR OMISSION MADE IN A GOOD

15   FAITH EFFORT TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.
         (3) THIS SECTION DOES NOT APPLY TO A LIBRARY ESTABLISHED BY A
     COMMUNITY COLLEGE DISTRICT. A COLLEGE OR UNIVERSITY, OR A PRIVATE
     LIBRARY OPEN TO THE PUBLIC.

16         Enacting section 1.  This amendatory act takes effect

17   90 days after it is enacted into law.