

Act No. 37
Public Acts of 1999
Approved by the Governor
June 9, 1999
Filed with the Secretary of State
June 9, 1999
EFFECTIVE DATE: August 1, 1999

STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 1999

Introduced by Reps. Cassis, Bradstreet, Sanborn, Wojno, Kukuk, Jelinek, DeHart, Mead, DeWeese, Green, DeRossett and Richner
Reps. Allen, Basham, Birkholz, Bisbee, Bovin, Brewer, Cameron Brown, Callahan, Caul, Clarke, DeVuyst, Ehardt, Faunce, Frank, Garcia, Gilbert, Gosselin, Hager, Hansen, Hardman, Hart, Howell, Jansen, Jellema, Rick Johnson, Ruth Johnson, Koetje, Kowall, Kuipers, LaSata, Lockwood, Middaugh, Mortimer, Neumann, O'Neil, Pappageorge, Patterson, Pestka, Quarles, Raczkowski, Reeves, Richardville, Rocca, Scott, Scranton, Shackleton, Sheltroun, Shulman, Stamas, Tabor, Van Woerkom, Vear, Voorhees, Woodward and Woronchak named co-sponsors

ENROLLED HOUSE BILL No. 4191

AN ACT to amend 1982 PA 455, entitled "An act to provide for the confidentiality of certain library records; and to provide for the selection and use of library materials," 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:

Sec. 2. As used in this act:

(a) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program, and that can store, retrieve, alter, or communicate the results of the operations, to a person, computer program, computer, computer system, or computer network.

(b) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers.

(c) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network.

(d) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.

(e) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses.

(f) "Harmful to minors" means that term as it is defined in section 4 of 1978 PA 33, MCL 722.674.

(g) "Internet" means that term as defined in section 230 of title II of the communications act of 1934, chapter 652, 110 Stat. 137, 47 U.S.C. 230.

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

(i) "Library record" means a document, record, or other method of storing information retained by a library that contains information that personally identifies a library patron, including the patron's name, address, or telephone number, or that identifies a person as having requested or obtained specific materials from a library. Library record does not include nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general.

(j) "Minor" means an individual who is less than 18 years of age.

(k) "Obscene" means that term as it is defined in section 2 of 1984 PA 343, MCL 752.362.

(l) "Sexually explicit matter" means that term as it is defined in section 3 of 1978 PA 33, MCL 722.673.

(m) "Terminal" means a device used to access the internet or a computer, computer program, computer network, or computer system.

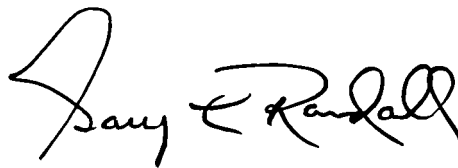
Sec. 6. If a library offers use of the internet or a computer, computer program, computer network, or computer system to the public, the governing body of that library may authorize or may require that the library restrict access to minors by providing the use of the internet or a computer, computer program, computer network, or computer system in the following manner:

(a) By making available, to individuals of any age, 1 or more terminals that are restricted from receiving obscene matter or sexually explicit matter that is harmful to minors.

(b) By reserving, to individuals 18 years of age or older or minors who are accompanied by their parent or guardian, 1 or more terminals that are not restricted from receiving any material.

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.