

# HOUSE BILL No. 4833

April 28, 2009, Introduced by Reps. McMillin, Agema, Rick Jones, Spade and Calley and referred to the Committee on Judiciary.

A bill to amend 1982 PA 455, entitled  
 "The library privacy act,"  
 by amending section 6 (MCL 397.606), as amended by 2000 PA 212.

## 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 to  
 3 the public, the governing body of that library shall adopt and  
 4 require enforcement of a policy that restricts access to minors. ~~by~~  
 5 ~~providing the use of the internet or a computer, computer program,~~  
 6 ~~computer network, or computer system in 1 of the following ways:~~  
 7       ~~— (a) Both of the following:~~  
 8       ~~— (i) By making available, to individuals of any age, 1 or more~~  
 9 ~~terminals that are restricted from receiving obscene matter or~~  
 10 ~~sexually explicit matter that is harmful to minors.~~  
 11       ~~— (ii) By reserving, to individuals 18 years of age or older or~~

1 minors who are accompanied by their parent or guardian, 1 or more  
2 terminals that are not restricted from receiving any material.

3 ~~—— (b) By utilizing a system or method that is designed to~~  
4 ~~prevent a minor from viewing obscene matter or sexually explicit~~  
5 ~~matter that is harmful to minors. THE LIBRARY SHALL EQUIP ALL~~  
6 ~~COMPUTERS WITH SOFTWARE THAT BLOCKS OR RESTRICTS RECEIPT OF VISUAL~~  
7 ~~DEPICTIONS THAT ARE OBSCENE, CHILD PORNOGRAPHY, OR HARMFUL TO~~  
8 ~~MINORS. THE LIBRARY MAY DISABLE THE BLOCKING OR FILTERING SOFTWARE~~  
9 ~~FOR USE BY A PERSON 18 YEARS OF AGE OR OLDER TO ENABLE ACCESS FOR~~  
10 ~~BONA FIDE RESEARCH OR OTHER LAWFUL PURPOSES.~~

11 (2) A governing body of a library, member of a governing body  
12 of a library, library, or an agent or employee of a governing body  
13 of a library or library, is immune from liability in a civil action  
14 as provided in section 7 of ~~the revised judicature act of 1961,~~  
15 ~~1961 PA 236 1964 PA 170~~, MCL 691.1407.

16 (3) This section does not apply to a library established by a  
17 community college district, a college or university, or a private  
18 library open to the public.