

Second Regular Session  
Sixty-fourth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 04-0017.01 Bob Lackner

**HOUSE BILL 04-1004**

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**HOUSE SPONSORSHIP**

**Stafford,** and Welker

**SENATE SPONSORSHIP**

**Lamborn,**

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**House Committees**

Information & Technology

**Senate Committees**

State Veterans & Military Affairs

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**A BILL FOR AN ACT**

101 **CONCERNING ENHANCED PROTECTION FOR CHILD USERS OF PUBLIC**  
102 **LIBRARY SERVICES FROM HARMFUL MATERIALS ON THE**  
103 **INTERNET.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires the governing body of each public library by a specified date to adopt and implement a policy of internet safety for minors that includes the operation of a technology protection measure for each computer operated by the public library that allows for access to the internet by a minor.

After the adoption and implementation of the internet safety policy, requires the governing body of each public library to continue to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

*Capital letters indicate new material to be added to existing statute.*

*Dashes through the words indicate deletions from existing statute.*

SENATE  
3rd Reading Unamended  
March 15, 2004

SENATE  
Amended 2nd Reading  
March 12, 2004

HOUSE  
3rd Reading Unamended  
February 5, 2004

HOUSE  
Amended 2nd Reading  
February 4, 2004

enforce the operation of the technology protection measure for each computer operated by the public library that allows for access to the internet by a minor.

Allows the technology protection measure to be temporarily disabled to enable access to the internet by an adult for bona fide research or other lawful purposes. Allows the technology protection measure to be temporarily disabled to enable access to the internet by a minor for bona fide research or other lawful purposes where the internet use is supervised by an administrator, supervisor, or other authorized person. Specifies that the technology protection measure shall not be disabled in connection with a computer located in a children's room of a public library facility.

Provides that nothing in the act shall be construed to require any additional action on the part of any public library that is already in compliance with the requirements of the act as of its effective date. Provides that nothing in the act shall be construed to require any additional action on the part of any library in circumstances where:

No moneys exist in the budget for such library for the purchase of a technology protection measure that satisfies the requirements of the act; or

After a good faith effort, the library is unable to acquire a technology protection measure free of charge that satisfies the requirements of the act.

Provides that nothing in the act shall be construed to prohibit a public library from limiting internet access or otherwise protecting against materials other than those that are obscene, child pornography, or harmful to minors.

Makes legislative findings and declarations. Defines terms.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 90 of title 24, Colorado Revised Statutes,  
3 is amended BY THE ADDITION OF A NEW PART to read:

4 **PART 6**

5 **INTERNET PROTECTION IN PUBLIC LIBRARIES**

6 **24-90-601. Legislative declaration.** THE GENERAL ASSEMBLY  
7 HEREBY FINDS AND DECLARES THAT USE OF THE INTERNET IN THE PUBLIC  
8 LIBRARIES OF THE STATE PROVIDES AN EXTRAORDINARY, UNIQUE, AND  
9 UNPARALLELED EDUCATIONAL RESOURCE AND SOURCE OF KNOWLEDGE

1 AND INFORMATION. THE GENERAL ASSEMBLY FURTHER FINDS AND  
2 DECLARES THAT REASONABLE MEASURES MUST BE ADOPTED AND  
3 IMPLEMENTED TO PROTECT THE CHILDREN WHO USE SUCH INTERNET  
4 SERVICES IN PUBLIC LIBRARIES FROM ACCESS TO MATERIAL THAT IS  
5 HARMFUL TO THEIR BENEFICIAL DEVELOPMENT AS RESPONSIBLE ADULTS  
6 AND CITIZENS. IT IS THE INTENT OF THE GENERAL ASSEMBLY BY ENACTING  
7 THIS PART 6 THAT PUBLIC LIBRARIES BE REQUIRED TO ADOPT AND ENFORCE  
8 REASONABLE POLICIES OF INTERNET SAFETY THAT ARE CONSISTENT WITH  
9 THE FEDERAL "CHILDREN'S INTERNET PROTECTION ACT", AS AMENDED,  
10 (P.L. NO. 106-554), AND THAT WILL PROTECT CHILDREN FROM ACCESS TO  
11 HARMFUL MATERIAL WITHOUT COMPROMISING RESPONSIBLE ADULT USE OF  
12 INTERNET SERVICES IN SUCH LIBRARIES.

13 **24-90-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE  
14 CONTEXT OTHERWISE REQUIRES:

15 (1) "ACCESS TO THE INTERNET" MEANS, WITH REFERENCE TO A  
16 PARTICULAR COMPUTER, THAT THE COMPUTER IS EQUIPPED WITH A MODEM  
17 OR IS CONNECTED TO A COMPUTER NETWORK THAT PROVIDES ACCESS TO  
18 THE INTERNET.

19 (2) "COMPUTER" INCLUDES ANY HARDWARE, SOFTWARE, OR OTHER  
20 TECHNOLOGY ATTACHED OR CONNECTED TO, INSTALLED IN, OR OTHERWISE  
21 USED IN CONNECTION WITH A COMPUTER.

22 (3) "HARMFUL TO MINORS" MEANS ANY PICTURE, IMAGE, GRAPHIC  
23 IMAGE FILE, OR OTHER VISUAL DEPICTION THAT:

24 (a) TAKEN AS A WHOLE AND WITH RESPECT TO MINORS, APPEALS  
25 TO A PRURIENT INTEREST IN NUDITY, SEX, OR EXCRETION;

26 (b) DEPICTS, DESCRIBES, OR REPRESENTS, IN A PATENTLY  
27 OFFENSIVE WAY WITH RESPECT TO WHAT IS SUITABLE FOR MINORS, AN

1 ACTUAL OR SIMULATED SEXUAL ACT OR SEXUAL CONTACT, AN ACTUAL OR  
2 SIMULATED NORMAL OR PERVERTED SEXUAL ACT, OR A LEWD EXHIBITION  
3 OF THE GENITALS; AND

4 (c) TAKEN AS A WHOLE, LACKS SERIOUS LITERARY, ARTISTIC,  
5 POLITICAL, OR SCIENTIFIC VALUE AS TO MINORS.

6 (4) "MINOR" MEANS ANY PERSON WHO HAS NOT ATTAINED THE AGE  
7 OF SEVENTEEN YEARS.

8 (5) "PUBLIC LIBRARY" SHALL HAVE THE SAME MEANING AS SET  
9 FORTH IN SECTION 24-90-103 (13). FOR PURPOSES OF THIS PART 6, A  
10 "PUBLIC LIBRARY" SHALL BE THE EQUIVALENT OF THE LIBRARY SYSTEM  
11 ESTABLISHED AND MAINTAINED BY THE GOVERNING BODY OF A  
12 PARTICULAR LIBRARY DISTRICT OR OTHERWISE CONNECTED GROUP OF  
13 LIBRARIES AND SHALL NOT MEAN EACH SEPARATE OR INDIVIDUAL LIBRARY  
14 FACILITY ESTABLISHED AND MAINTAINED BY SUCH LIBRARY DISTRICT OR  
15 CONNECTED GROUP OF LIBRARIES.

16 (6) "SEXUAL ACT" OR "SEXUAL CONTACT" SHALL HAVE THE SAME  
17 MEANING AS SET FORTH IN 18 U.S.C. SEC. 2246 (2) AND (3).

18 (7) "TECHNOLOGY PROTECTION MEASURE" MEANS A SPECIFIC  
19 TECHNOLOGY, INCLUDING WITHOUT LIMITATION COMPUTER SOFTWARE,  
20 THAT BLOCKS OR FILTERS INTERNET ACCESS TO VISUAL DEPICTIONS THAT  
21 ARE:

22 (a) OBSCENE, AS DEFINED IN SECTION 18-7-101 (2), C.R.S.;

23 (b) CHILD PORNOGRAPHY, AS DEFINED IN 18 U.S.C. SEC. 2256 (8);

24 OR

25 (c) HARMFUL TO MINORS; EXCEPT THAT NO TECHNOLOGY  
26 PROTECTION MEASURE MAY BLOCK SCIENTIFIC OR MEDICALLY ACCURATE  
27 INFORMATION REGARDING SEXUAL ASSAULT, SEXUAL ABUSE, INCEST,

1 SEXUALLY TRANSMITTED DISEASES, OR REPRODUCTIVE HEALTH.

2           **24-90-603. Adoption and enforcement of policy of internet**  
3 **safety for minors including technology protection measures - public**  
4 **libraries.** (1) NO LATER THAN DECEMBER 31, 2004, THE GOVERNING  
5 BODY OF EACH PUBLIC LIBRARY SHALL ADOPT AND IMPLEMENT A POLICY  
6 OF INTERNET SAFETY FOR MINORS THAT INCLUDES THE OPERATION OF A  
7 TECHNOLOGY PROTECTION MEASURE FOR EACH COMPUTER OPERATED BY  
8 THE PUBLIC LIBRARY THAT ALLOWS FOR ACCESS TO THE INTERNET BY A  
9 MINOR.

10           (2) AFTER THE ADOPTION AND IMPLEMENTATION OF THE POLICY OF  
11 INTERNET SAFETY REQUIRED BY SUBSECTION (1) OF THIS SECTION, THE  
12 GOVERNING BODY OF EACH PUBLIC LIBRARY SHALL CONTINUE TO ENFORCE  
13 THE POLICY AND THE OPERATION OF THE TECHNOLOGY PROTECTION  
14 MEASURE FOR EACH COMPUTER OPERATED BY THE PUBLIC LIBRARY THAT  
15 ALLOWS FOR ACCESS TO THE INTERNET BY A MINOR.

16           **24-90-604. Temporary disabling of technology protection**  
17 **measure.** (1) (a) (I) SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (b)  
18 OF THIS SUBSECTION (1), AN ADMINISTRATOR, SUPERVISOR, OR ANY OTHER  
19 PERSON AUTHORIZED BY THE PUBLIC LIBRARY TO ENFORCE THE OPERATION  
20 OF THE TECHNOLOGY PROTECTION MEASURE ADOPTED AND IMPLEMENTED  
21 IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-90-603 SHALL  
22 TEMPORARILY DISABLE THE TECHNOLOGY PROTECTION MEASURE ENTIRELY  
23 TO ENABLE ACCESS TO THE INTERNET ON A PARTICULAR COMPUTER ABLE  
24 TO BE ACCESSED BY A MINOR BY AN ADULT UPON REQUEST WITHOUT  
25 SIGNIFICANT DELAY BY THE PUBLIC LIBRARY IN RESPONDING TO THE  
26 REQUEST.

1           (II) SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (b) OF THIS  
2           SUBSECTION (1), AN ADMINISTRATOR, SUPERVISOR, OR ANY OTHER PERSON  
3           AUTHORIZED BY THE PUBLIC LIBRARY TO ENFORCE THE OPERATION OF THE  
4           TECHNOLOGY PROTECTION MEASURE ADOPTED AND IMPLEMENTED IN  
5           ACCORDANCE WITH THE REQUIREMENTS OF SECTION 24-90-603 MAY  
6           TEMPORARILY DISABLE THE TECHNOLOGY PROTECTION MEASURE ENTIRELY  
7           TO ENABLE ACCESS TO THE INTERNET ON A PARTICULAR COMPUTER ABLE  
8           TO BE ACCESSED BY A MINOR BY A MINOR FOR BONA FIDE RESEARCH OR  
9           OTHER LAWFUL PURPOSES WHERE THE INTERNET USE IN CONNECTION WITH  
10          THE RESEARCH OR OTHER LAWFUL PURPOSE IS SUPERVISED BY AN  
11          ADMINISTRATOR, SUPERVISOR, PARENT, GUARDIAN, OR OTHER PERSON  
12          AUTHORIZED BY THE PUBLIC LIBRARY TO PERFORM SUCH FUNCTION.

13           (b) WHERE THE PUBLIC LIBRARY HAS INSTALLED A TECHNOLOGY  
14          PROTECTION MEASURE THAT REQUIRES ELECTRONIC VERIFICATION OF THE  
15          AGE OF THE COMPUTER USER, OR WHERE THE PARENT OR GUARDIAN OF A  
16          MINOR HAS PROVIDED EXPLICIT PRIOR APPROVAL FOR USE OF THE  
17          COMPUTER BY THE MINOR, BEFORE THE TECHNOLOGY PROTECTION  
18          MEASURE REQUIRED BY SECTION 24-90-603 IS DISABLED, NO ADDITIONAL  
19          INVOLVEMENT BY THE STAFF OF THE PUBLIC LIBRARY SHALL BE REQUIRED.

20           (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,  
21          THE TEMPORARY DISABLING OF THE TECHNOLOGY PROTECTION MEASURE  
22          AUTHORIZED BY THIS SECTION SHALL NOT BE ALLOWED IN CONNECTION  
23          WITH A COMPUTER LOCATED IN AN AREA IN A PUBLIC LIBRARY FACILITY  
24          USED PRIMARILY BY MINORS.

25           **24-90-605. No restrictions on blocking access to the internet of**  
26          **other material.** NOTHING IN THIS PART 6 SHALL BE CONSTRUED TO  
27          PROHIBIT A PUBLIC LIBRARY FROM LIMITING INTERNET ACCESS OR

1 OTHERWISE PROTECTING AGAINST MATERIALS OTHER THAN THOSE THAT  
2 ARE OBSCENE, CHILD PORNOGRAPHY, OR HARMFUL TO MINORS.

3 **24-90-606. No requirement of additional action for public**  
4 **libraries already in compliance - no additional action in special**  
5 **circumstances.** (1) NOTHING IN THIS PART 6 SHALL BE CONSTRUED TO  
6 REQUIRE ANY ADDITIONAL ACTION ON THE PART OF ANY PUBLIC LIBRARY  
7 THAT IS ALREADY IN COMPLIANCE WITH THE REQUIREMENTS OF THIS PART  
8 6 AS OF JULY 1, 2004.

9 (2) NOTHING IN THIS PART 6 SHALL BE CONSTRUED TO REQUIRE  
10 ANY ADDITIONAL ACTION ON THE PART OF ANY PUBLIC LIBRARY IN  
11 CIRCUMSTANCES WHERE:

12 (a) NO MONEYS EXIST IN THE BUDGET FOR SUCH LIBRARY FOR THE  
13 PURCHASE OF A TECHNOLOGY PROTECTION MEASURE THAT SATISFIES THE  
14 REQUIREMENTS OF THIS PART 6; AND

15 (b) AFTER A GOOD FAITH EFFORT, THE LIBRARY IS UNABLE TO  
16 ACQUIRE A TECHNOLOGY PROTECTION MEASURE FREE OF CHARGE THAT  
17 SATISFIES THE REQUIREMENTS OF THIS PART 6.

18 **SECTION 2. Effective date.** This act shall take effect July 1,  
19 2004.

20 **SECTION 3. Safety clause.** The general assembly hereby finds,  
21 determines, and declares that this act is necessary for the immediate  
22 preservation of the public peace, health, and safety.