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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 187 Session of  
2023

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INTRODUCED BY J. WARD, COLLETT, PHILLIPS-HILL, DUSH,  
SANTARSIERO, SCHWANK, BROWN, MASTRIANO, TARTAGLIONE, COMMITTA,  
STEFANO AND ROBINSON, FEBRUARY 10, 2023

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REFERRED TO JUDICIARY, FEBRUARY 10, 2023

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AN ACT

1 Amending the act of November 30, 2004 (P.L.1556, No.197),  
2 entitled "An act providing for protection of children from  
3 obscene material, child pornography and other material that  
4 is harmful to minors on the Internet in public schools and  
5 public libraries; and providing for the duties of the  
6 Secretary of Education," further providing for title and for  
7 definitions; and making editorial changes.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. The title and section 2(1), (2) and (3) of the  
11 act of November 30, 2004 (P.L.1556, No.197), known as the Child  
12 Internet Protection Act, are amended to read:

13 AN ACT

14 Providing for protection of children from obscene material,  
15 child [pornography] sexual abuse material and other material  
16 that is harmful to minors on the Internet in public schools  
17 and public libraries; and providing for the duties of the  
18 Secretary of Education.

19 Section 2. Declaration of policy.

20 The General Assembly finds and declares as follows:

1 (1) The Commonwealth has a compelling interest and duty  
2 to protect children from exposure to obscenity, child  
3 [pornography] sexual abuse material and other material that  
4 is harmful to minors.

5 (2) The Commonwealth has a compelling interest in  
6 preventing any user from accessing obscene material and child  
7 [pornography] sexual abuse material within a public school or  
8 public library setting.

9 (3) There is a need to balance the goal of providing  
10 free access to educationally suitable information sources on  
11 the Internet against the compelling need and duty to protect  
12 children from contact with sexual predators and from access  
13 to obscene material, child [pornography] sexual abuse  
14 material and material harmful to children.

15 \* \* \*

16 Section 2. The definition of "child pornography" in section  
17 3 of the act is amended and the section is amended by adding a  
18 definition to read:

19 Section 3. Definitions.

20 The following words and phrases when used in this act shall  
21 have the meanings given to them in this section unless the  
22 context clearly indicates otherwise:

23 \* \* \*

24 "Child pornography." [As described in 18 Pa.C.S. § 6312  
25 (relating to sexual abuse of children).] The term shall have the  
26 same meaning as child sexual abuse material.

27 "Child sexual abuse material." As described in 18 Pa.C.S §  
28 6312 (relating to sexual abuse of children).

29 \* \* \*

30 Section 3. Sections 4(a) (1) and (b) and 5 of the act are

1 amended to read:

2 Section 4. School entity Internet policies.

3 (a) Acceptable-use policy.--Within 180 days after the  
4 effective date of this act, each school board shall adopt an  
5 acceptable-use policy for the Internet. At a minimum, the policy  
6 shall contain provisions which are reasonably designed to:

7 (1) Prevent students and employees of the school entity  
8 from using any computer equipment and communications services  
9 owned or leased by the school entity for sending, receiving,  
10 viewing or downloading visual depictions of obscenity, child  
11 [pornography] sexual abuse material or material that is  
12 harmful to minors.

13 \* \* \*

14 (b) Implementation and enforcement.--The school board shall  
15 take such steps as it deems appropriate to implement and enforce  
16 the school entity's policy, which shall include, but need not be  
17 limited to:

18 (1) use of software programs reasonably designed to  
19 block access to visual depictions of obscenity, child  
20 [pornography] sexual abuse material or material that is  
21 harmful to minors; or

22 (2) selection of online servers that block access to  
23 visual depictions of obscenity, child [pornography] sexual  
24 abuse material or material that is harmful to minors.

25 \* \* \*

26 Section 5. Public library Internet policies.

27 (a) Acceptable-use policy.--Within 180 days after the  
28 effective date of this act, the governing body of each public  
29 library shall adopt an acceptable-use policy for the Internet.  
30 At a minimum, the policy shall contain provisions which are

1 reasonably designed to:

2 (1) Prevent library patrons, including those patrons  
3 under 18 years of age and library employees, from using the  
4 library's computer equipment and communications services for  
5 sending, receiving, viewing or downloading visual depictions  
6 of obscenity, child [pornography] sexual abuse material or  
7 material that is harmful to minors.

8 (2) Establish appropriate measures to be taken against  
9 library patrons and employees who willfully violate the  
10 policy.

11 (b) Implementation and enforcement of policy.--The governing  
12 body of the public library shall take such steps as it deems  
13 appropriate to implement and enforce the requirements of  
14 subsection (a). These steps shall include, but need not be  
15 limited to, the following:

16 (1) the use of software programs designed to block  
17 access by library patrons and employees to visual depictions  
18 of obscenity, child [pornography] sexual abuse material or  
19 material that is harmful to minors; or

20 (2) the selection of online servers that block access by  
21 library patrons and employees to visual depictions of  
22 obscenity, child [pornography] sexual abuse material or  
23 material that is harmful to minors.

24 (c) Immunity.--A public library shall not be subject to  
25 civil liability for damages to any person as a result of the  
26 failure of any approved software program or approved online  
27 server to block access to visual depictions of obscenity, child  
28 [pornography] sexual abuse material or material that is harmful  
29 to minors. Nothing in this section shall be deemed to abrogate  
30 or lessen any immunity or other protection against liability

1 accorded to public libraries under existing law or court  
2 decision.

3 Section 4. This act shall take effect in 60 days.