
HOUSE BILL 1635

State of Washington

66th Legislature

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By Representatives Caldier, Frame, Van Werven, Chambers, Orwall, Graham, Kilduff, Eslick, Ormsby, and Bergquist

Read first time 01/25/19. Referred to Committee on Local Government.

1 AN ACT Relating to requiring public libraries to adopt internet
2 safety policies to address minor access to harmful material; and
3 adding a new section to chapter 27.12 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 27.12
6 RCW to read as follows:

7 (1)(a) Except as provided in subsection (2) of this section, the
8 board of trustees of a library that provides internet access on
9 public computer terminals shall adopt and enforce an internet safety
10 policy that addresses minor access to harmful material online. The
11 internet safety policy must include the deployment and use of a
12 technology protection measure with respect to any of the library's
13 computers with internet access that prevents all library patrons from
14 gaining access to visual depictions that are obscene or child
15 pornography, and prevents minors from gaining access to visual
16 depictions that are harmful to minors.

17 (b) The internet safety policy may authorize an administrator,
18 supervisor, or other library representative to disable the technology
19 protection measure upon the request of an adult library patron to
20 enable access for bona fide research or other lawful purposes. The

1 internet safety policy may include other terms, conditions, and
2 requirements as the board of trustees deems appropriate.

3 (2) A library is exempt from the requirements of subsection (1)
4 of this section if the qualified voters of the area included within
5 the library's district adopt a proposition to exempt the library
6 according to the following procedures:

7 (a) The board of trustees of the library may adopt a resolution
8 to exempt the library from the requirements of subsection (1) of this
9 section. The resolution must be adopted at a public meeting of the
10 board of trustees after notice and an opportunity for public comment;

11 (b) If the board of trustees adopts a resolution under (a) of
12 this subsection, a proposition to exempt the library from the
13 requirements of subsection (1) of this section must be placed on the
14 ballot at the next succeeding general or special election in
15 accordance with the procedures established under this chapter for the
16 creation of the library or library district; and

17 (c) If the proposition is approved by a majority vote of the
18 qualified electors voting on the proposition, the library is exempt
19 from the requirements of subsection (1) of this section.

20 (3) As used in this section:

21 (a) "Child pornography" means a depiction of a minor engaged in
22 an act of sexually explicit conduct as defined in RCW 9.68A.011(4)

23 (a) through (e);

24 (b) "Harmful to minors" means any picture, image, graphic image
25 file, or other visual depiction that:

26 (i) Taken as a whole and with respect to minors, appeals to a
27 prurient interest in nudity, sex, or excretion;

28 (ii) Depicts, describes, or represents, in a patently offensive
29 way with respect to what is suitable for minors, an actual or
30 simulated sexual act or sexual contact, an actual or simulated normal
31 or perverted sexual act, or a lewd exhibition of the genitals; and

32 (iii) Taken as a whole, lacks serious literary, artistic,
33 political, or scientific value as to minors;

34 (c) "Obscene" means material that:

35 (i) The average person, applying contemporary community
36 standards, would find that taken as a whole appeals to the prurient
37 interest in sex;

38 (ii) Depicts or describes:

1 (A) Patently offensive representations or descriptions of
2 ultimate sex acts, normal or perverted, actual or simulated,
3 including sexual intercourse, sodomy, and sexual bestiality; or
4 (B) Patently offensive representations or descriptions of
5 masturbation, excretory functions, sadism, masochism, lewd exhibition
6 of the genitals, the male or female genitals in a state of sexual
7 stimulation or arousal, or covered male genitals in a discernibly
8 turgid state; and
9 (iii) Taken as a whole, lacks serious literary, artistic,
10 political, or scientific value; and
11 (d) "Technology protection measure" means software or other
12 technology that blocks or filters internet access to visual
13 depictions.

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