

Colorado Children's Internet Protection Act

Colorado Revised Statutes, Article 87, 22-87-101 through 22-87-107

Approved by Governor June 5, 2003; effective August 15, 2003

Summary of Key Provisions:

- 1) Requires the governing body of each school district by December 31, 2003, 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 school district 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 school district to continue to enforce the operation of the technology protection measure for each computer operated by the school district that allows for access to the internet by a minor.
- 2) 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 or 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.
- 3) Provides that the requirements of the act pertaining to internet protection shall not be construed to apply to any library facility maintained by any postsecondary educational institution. Provides that nothing in the requirements shall be construed to require any additional action on the part of any school district that is already in compliance with the requirements of the act as of July 1, 2003.
- 4) Precludes the state board of education from waiving any of the internet safety requirements contained in the act.
- 5) Precludes a charter school from operating free of the internet safety requirements contained in the act.

22-87-101. Short title.

This article shall be known and may be cited as the "Children's Internet Protection Act".

22-87-102. Legislative declaration.

(1) The general assembly hereby finds and declares that:

(a) Use of the internet in the public schools of the state provides an extraordinary, unique, and unparalleled educational resource.

(b) Reasonable measures must be adopted and implemented to protect the children who use internet services in public schools from access to material that is harmful to their beneficial development as responsible adults and citizens.

(2) It is the intent of the general assembly by enacting this article that public schools be required to adopt and enforce reasonable policies of internet safety that will protect children from access to harmful material without compromising either the use of the internet as an educational resource or responsible adult use of internet services in such schools.

(3) The general assembly favors the adoption by public libraries across the state of policies for children's internet protection that mirror the policies for public schools required to be adopted pursuant to the provisions of this article. Recognizing that limited state resources as of August 15, 2003, preclude an appropriation to expand the requirements of this article to include public libraries, the general assembly urges public libraries to, and hopes such libraries will, adopt the policies specified in this article on their own initiative.

22-87-103. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Access to the internet" means, with reference to a particular computer, that the computer is equipped with a modem or is connected to a computer network that provides access to the internet.

(2) "Computer" includes any hardware, software, or other technology attached or connected to, installed in, or otherwise used in connection with a computer.

(3) "District" means any public school district organized under the laws of Colorado, except a junior college district.

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

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

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

(c) Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

(5) "Minor" means an individual who has not attained the age of seventeen.

(6) "Sexual act" or "sexual contact" shall have the same meanings as set forth in 18 U.S.C. sec. 2246 (2) and (3).

(7) "Technology protection measure" means a specific technology, including without limitation, computer software that blocks or filters access to the internet to visual depictions that are:

(a) Obscene, as defined in section 18-7-101, C.R.S.;

(b) Child pornography, as defined in 18 U.S.C. sec. 2256 (8); or

(c) Harmful to minors.

22-87-104. Adoption and enforcement of policy of internet safety for minors including technology protection measures - public schools.

(1) No later than December 31, 2003, the governing body of each district shall 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 district that allows for access to the internet by a minor.

(2) After the adoption and implementation of the policy of internet safety required by subsection (1) of this section, the governing body of each district shall continue to enforce the policy and the operation of the technology protection measure for each computer operated by the district that allows for access to the internet by a minor.

22-87-105. Temporary disabling of technology protection measure.

(1) An administrator, supervisor, or any other person authorized by the district to enforce the operation of the technology protection measure adopted and implemented in accordance with the requirements of section 22-87-104 may temporarily disable the technology protection measure to enable access to the internet on a particular computer by:

(a) An adult for bona fide research or other lawful purposes; or

(b) A minor for bona fide research or other lawful purposes where the internet use in connection with the research or other lawful purpose is supervised by an administrator, supervisor, or other person authorized by the district to perform such function.

22-87-106. No restrictions on blocking access to the internet of other material.

Nothing in this article shall be construed as prohibiting a local board of education, or an elementary or secondary school, from blocking access to the internet on computers owned or operated by that board or school to material other than the material for which a technology protection measure is explicitly required in accordance with the requirements of this article.

22-87-107. No effect on library maintained by postsecondary educational institution - no requirement of additional action for public schools already in compliance.

(1) Nothing in this article shall be construed to apply to any library facility maintained by any postsecondary educational institution. For purposes of this subsection (1), "postsecondary" shall have the same meaning as is provided in section 23-1-119 (4), C.R.S.

(2) Nothing in this article shall be construed to require any additional action on the part of any school district that is already in compliance with the requirements of this article as of July 1, 2003.