

April 5, 2001

**S 987. LIMIT CHILD'S ACCESS/COMPUTER PORN. TO PROHIBIT THE DISSEMINATION OF OBSCENITIES BY COMPUTER TRANSMISSION, TO INCREASE THE PENALTIES FOR CERTAIN CRIMINAL OFFENSES CONCERNING MINORS AND OBSCENITY, TO PROHIBIT THE USE OF STATE COMPUTERS TO ACCESS OBSCENITIES, TO REGULATE CERTAIN USES OF STATE COMPUTERS, TO REQUIRE THE INSTALLATION OF APPROPRIATE SOFTWARE ON CERTAIN COMPUTERS ACCESSIBLE TO THE PUBLIC OR THE USE OF OTHER APPROPRIATE MANAGEMENT SCHEMES TO SHIELD MINORS FROM OBSCENITIES TRANSMITTED BY COMPUTER, AND TO DIRECT THE DEPARTMENT OF JUSTICE TO A LIST OF ELECTRONIC SITES KNOWN TO CONTAIN CHILD PORNOGRAPHY AND TO FOCUS MORE OF ITS LAW ENFORCEMENT EFFORT, AS FEASIBLE, TO ENFORCING THE OBSCENITY LAWS.** (1) Amends GS 14-190.1 (which makes it a felony to intentionally disseminate obscenity) to include dissemination through computer access within the statute, and to raise the level of offense from Class I felony to Class H. (2) Amends GS 14-190.6 (which makes it a felony to use a minor to do an obscene act or performance) to raise the level of offense from Class I felony to Class H. (3) Amends GS 14-190.7 (which makes it a felony to disseminate obscene materials to minors under 16) to raise the level of offense from Class I felony to Class H. (4) Amends GS 14-190.7 (which makes it a felony to disseminate obscene materials to minors under 13) to raise the level of offense from Class I felony to Class H. (5) Amends GS 14-190.14 (which makes it a misdemeanor to display material that is harmful to minors in a commercial establishment) to raise the offense level from Class 2 misdemeanor to Class 1, and amends GS 14-190.13 to include within the statute the allowing of computer access to harmful materials. (6) Amends GS 14-190.15 (which makes it a misdemeanor to disseminate materials harmful to minors through sale or exhibiting a harmful performance) to include within the statute the dissemination through viewing of computer images, but adds as a defense that the material on the computer was preceded by a warning page of text with specified wording and the material was located at a registered web site with a domain address assigned only to adult-oriented sites in compliance with the policies established by the Internet Corporation for Assigned Names and Numbers, the US Dep't of Commerce, or any other entity approved by the federal government to assign domain names. (7) Amends GS 14-190.16 (which makes it a felony to commit the offense of first degree sexual exploitation of a minor) to raise the level of offense from Class D felony to Class C. (8) Amends GS 14-190.17 (which makes it a felony to commit the offense of second degree sexual exploitation of a minor) to raise the level of offense from Class F felony to Class E. (9) Amends GS 14-190.17A (which makes it a felony to commit the offense of third degree sexual exploitation of a minor) to raise the level of offense from Class I felony to Class H. (10) Adds new GS 14-190.14A making it a Class 1 misdemeanor to knowingly allow a minor access to material on a computer one controls in a public or commercial location, knowing that the material is harmful to minors. Defenses to the charge are that the defendant is the parent or guardian of the minor, that the defendant was a school, church, museum, public library, governmental agency, medical clinic, or hospital carrying out its legitimate function, that the minor presented identification showing the minor to be 18 or older, or that the dissemination was made with the prior consent of the minor's parent or guardian. (11) Adds new GS 14-202.5 making it a Class 1 misdemeanor (and grounds for dismissal from employment) for a person to use a government computer to access, download, print, or store any information having obscene content, except to the extent required in connection with bona fide government-approved research or other undertaking, with approval in writing and signed by the appropriate governmental official. (12) Adds new GS 14-202.6 requiring Internet service providers to include fee of charge to each subscriber of service in North Carolina a link leading to a fully functional software that enables the subscriber to automatically block or screen material on the Internet. Sets out specifics regarding compliance and penalties for noncompliance. (13) Adds new GS 14-202.7 giving immunity to civil liability to a provider of interactive computer service for any action taken in good faith to restrict access to material that the provider considers to be obscene or harmful to minors, whether or not such material is constitutionally protected. Also provides that interactive service providers are not to be treated as the publishers of information provided by another information content provider. (14) Amends GS 14-196 (which makes it a Class 2 misdemeanor to harass a person by telephone or send profane, indecent, or threatening language by telephone) to include within the

statute the same conduct when conducted by computer. (15) Directs the Dep't of Administration to develop rules for state computers implementing the act, directs the Dep't of Public Instruction to evaluate the use of computers in public schools and recommend to the State Board of Education appropriate software to shield students from obscene materials transmitted by computer, and directs public libraries that operate computers with Internet access available to minors to make use of screening software or permit minors to have access to computers only with parental permission. (16) Directs the Dep't of Justice to publish a list of Usenet newsgroups, IP addresses, World Wide Web sites or other Internet sources that have been found to contain child pornography and to implement, as feasible, more of its law enforcement effort to enforce obscenity laws. Effective Dec. 1, 2001.

**Intro. by Rand.**

Ref. to Judiciary I	GS 14
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