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TITLE 29

State Government

Budget, Fiscal, Procurement and Contracting Regulations

CHAPTER 66C. DELAWARE CHILDREN'S INTERNET PROTECTION ACT

§ 6601C. Short title.

This chapter shall be known as the "Delaware Children's Internet Protection Act."

[74 Del. Laws, c. 414, § 1.](#)

§ 6602C. Purpose.

It is the intent of the General Assembly to establish a cost-effective and efficient way to protect minors who use computers in Delaware public libraries from viewing obscene or pornographic materials on the Internet.

[74 Del. Laws, c. 414, § 1.](#)

§ 6603C. Definitions.

As used in this chapter:

- (1) "Inappropriate materials" means visual depictions which are obscene;
- (2) "Minor" means an individual under the age of 18; and
- (3) "Obscene" has the meaning defined in § 1364 of Title 11.

[74 Del. Laws, c. 414, § 1.](#)

§ 6604C. Application.

(a) This chapter applies to libraries in this State which are open to the public and which receive funding from the State or from a county or municipality of the State. It does not apply to the libraries of the University of Delaware, Delaware State University and Delaware Technical and Community College or other institutions of higher education. Public school libraries in the State are exempt from the provisions of the chapter so long as Internet access on their computers is filtered through the State's computer system.

(b) No waivers from the provisions of this chapter shall be permitted by the Delaware Division of Libraries.

[74 Del. Laws, c. 414, § 1.](#)

§ 6605C. Adoption of acceptable use policies.

(a) A library subject to the provisions of this chapter shall establish and enforce a policy with respect to the acceptable use of its computers for Internet access. The acceptable use policy shall prohibit the use of a library's computers to facilitate an activity which is illegal under local, state or federal law. The acceptable use policy shall prohibit use of a library's computers to access obscene materials. Anonymous use of a library's computers by the public shall be prohibited.

(b) Use of any computer or mobile device at a library shall be governed by the library's acceptable use

policy. All libraries shall post notification to patrons advising them to use personal mobile and computing devices in conformity with the library's acceptable use policy when at such library and to place appropriate controls on any devices which may be used by minors for whom they are responsible. All users of library-owned computers must be registered library cardholders.

(c) A minor who, prior to August 19, 2005, has been issued a library card which grants the minor unrestricted access to the Internet on the library's computers, will continue to have the same access after August 19, 2005, subject to the library's acceptable use policy. A parent or guardian of a minor who wants to change the level of Internet access available to minor must sign a new form indicating the level of access the minor is to have.

(d) Libraries shall implement an Internet access management system which provides parents and guardians with choices for their minor's use of library-owned computers. In order for a library card to be issued to a minor, a parent or guardian of the minor must accompany the minor to the library to apply for the card and sign a form indicating whether the minor may have access to the Internet on the library's computers and, if so, the level of access. Subject to the library's acceptable use policy, a parent or guardian may allow the minor to have unrestricted Internet access or may limit such access to content appropriate for minors. Limited access options may include, but need not be limited to, the use of dedicated computers for minors which are filtered or provide access solely to age-appropriate electronic library collections.

(e) A library shall enforce its acceptable use policy through sanctions, which may include suspension or revocation of library privileges. The public libraries of the State shall communicate with one another in order to determine if a potential user has been sanctioned elsewhere in the State.

(f) A copy of the library's acceptable use policy and the penalties for violating the policy must be given to all new library patrons with their library cards. A copy must also be posted in the library's computer area.

(g) Libraries subject to the provisions of this chapter may cooperate to develop uniform standards for acceptable use policies and sanctions for violations of the policies. The libraries may also cooperate to develop a system to communicate with one another about individuals who have been sanctioned for violation of an acceptable use policy.

[74 Del. Laws, c. 414, § 1;](#) [77 Del. Laws, c. 298, §§ 1, 2.](#)

§ 6606C. Development of databases.

Repealed by 77 Del. Laws, c. 298, § 3, effective 90 days after enactment, per § 4 of that act. The act was signed by the Governor on June 15, 2010, and became effective September 13, 2010.

§ 6607C. Liability.

Libraries subject to this chapter and their staffs shall not be liable for inappropriate or unacceptable use of the Internet by library patrons.

[74 Del. Laws, c. 414, § 1.](#)