

2018 Regular Session

SENATE BILL NO. 391

BY SENATOR MIZELL

STATE AGENCIES. Requires certain state agencies to install internet filters to block content which is sexually explicit, pornographic, or sexually harassing. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 39:15.3(B)(1)(e) and to enact R.S. 39:249, relative to sexual
3 harassment prevention; to require the division of administration to adopt certain
4 policies regarding access by certain state employees to certain internet and online
5 sites; to identify and require certain filters; to block certain internet content; to
6 provide certain exceptions; to provide clarifications; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 39:15.3(B)(1)(e) is hereby amended and reenacted and R.S. 39:249
10 is hereby enacted to read as follows:

11 §15.3. Office of technology services; offices and staff; duties

12 * * *

13 B. The state chief information officer shall manage and direct the office of
14 technology services, with roles, duties, and activities including but not limited to the
15 following:

16 (1) Establishing and coordinating all information technology systems and
17 information technology services affecting the management and operations of the

1 executive branch of state government. The office of technology services shall,
 2 subject to the provisions of this Subpart, have sole authority and responsibility for
 3 defining the specific information technology systems and information technology
 4 services to which the provisions of this Subpart shall be applicable. Information
 5 technology systems, including equipment and related services, and information
 6 technology services shall mean the equipment, ~~and~~ services and means necessary to
 7 provide, including but not limited to the following:

8 * * *

9 (e) Information technology security systems and services, **including the**
 10 **security systems required in R.S. 39:249.**

11 * * *

12 **§249. Prohibition of pornography on state computers**

13 **A.(1) The division of administration shall adopt policies regarding the**
 14 **acceptable use by state employees who use state owned or state leased**
 15 **computers to access the internet and online sites that contain harmful material**
 16 **which is reasonably believed to be sexually explicit, pornographic, or sexually**
 17 **harassing and, therefore, reasonably believed to create a hostile work**
 18 **environment as prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C.**
 19 **2000e, et seq.**

20 **(2) The provisions of this Section shall apply to the state-owned or state-**
 21 **leased computers which are in the care, custody, or control of the division of**
 22 **administration or in the care, custody, or control of any other state agency**
 23 **which is subject to the provisions of R.S. 39:15.3.**

24 **B. In conjunction with any policy adopted pursuant to the provisions of**
 25 **this Section, the division of administration, through the office of technology**
 26 **services, shall implement and utilize computer-related technology or internet**
 27 **service provider technology designed to block access or exposure to any harmful**
 28 **materials as specified in Subsection A of this Section.**

29 **C. The provisions of this Section shall not prohibit an authorized**

1 employee from having unfiltered or unrestricted access to the internet or an
 2 online service for legitimate scientific purposes, educational purposes, or law
 3 enforcement purposes as determined and approved by the employee's agency
 4 and in compliance with the policies adopted pursuant to this Section.

5 D. The provisions of this Section are not intended to prohibit any state
 6 employee from having unfiltered or unrestricted access to the internet or any
 7 online service on a computer or device that is not owned or leased by the state,
 8 so long as the employee does not use the computer or device to access any
 9 harmful material, as specified in Subsection A of this Section, while the
 10 employee is in the course and scope of his state employment.

The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Martha Hess.

DIGEST

SB 391 Reengrossed

2018 Regular Session

Mizell

Proposed law requires the division of administration to adopt policies regarding the acceptable use by state employees using state owned computers or state leased computers, to access the internet and online sites that contain harmful material which is reasonably believed to be sexuality explicit, pornographic, or sexually harassing and, therefore, reasonably believed to create a hostile work environment as prohibited by federal law.

Proposed law provides that it shall apply to state-owned or state-leased computers which are in the care, custody, or control of the division of administration or in the care, custody, or control of any other state agency which is subject to present laws regarding the office of technology services in the division of administration.

Proposed law provides that the policies adopted by the office of technology services include the use of computer-related technology or the use of internet service provider technology designed to block access or exposure to any harmful material as specified in proposed law.

Proposed law specifies that proposed law does not prohibit any authorized employee from having unfiltered or unrestricted access to the internet or an online service for law enforcement, legitimate scientific, or educational purposes as determined and approved by the employing agency.

Proposed law clarifies that the provisions of proposed law do not prohibit any state employee from having unfiltered or unrestricted access to the internet or any online service on a computer or device that is not owned by the state, so long as the unrestricted device is not used to access or for exposure to any harmful material during the hours in which he is working for the state.

Effective August 1, 2018.

(Amends R.S. 39:15.3(B)(1)(e); adds R.S. 39:249)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Changes control of the program from the Dept. of State Civil Service to the office of technology services.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Changes who proposed law applies to from state employees using state-owned computers to state-owned or state-leased computers which are in the care, custody, or control of the division of administration or in the care, custody, or control of any other state agency which is subject to present law regarding the office of technology services in the division of administration.
2. Changes the description of harmful material from obscene, pervasively vulgar, pornographic, or sexually harassing to sexually explicit, pornographic, or sexually harassing.