

2022 Regular Session

SENATE BILL NO. 131

BY SENATOR MIZELL

POSTSECONDARY ED. Requires public postsecondary education boards and institutions to prohibit access to content which is sexually explicit, pornographic, or sexually harassing. (gov sig)

1 AN ACT

2 To enact R.S. 17:3383, relative to postsecondary education; to require the Board of Regents  
3 and each public postsecondary education management board to adopt policies  
4 regarding use of certain computers and computer services; to block access to certain  
5 content; to provide exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:3383 is hereby enacted to read as follows:

8 **§3383. Use of public postsecondary education computers, devices, and internet**  
9 **services; required policies; prohibitions; exceptions**

10 **A. The Board of Regents and each public postsecondary education**  
11 **management board shall adopt policies regarding:**

12 **(1) The acceptable use of computers and devices owned or leased by the**  
13 **public postsecondary education board, system office, and each institution under**  
14 **its supervision. The policies shall prohibit the use of the computers and devices**  
15 **to access content which is reasonably believed to be sexually explicit,**  
16 **pornographic, or sexually harassing and, therefore, reasonably believed to**  
17 **create a hostile work environment as prohibited by Title VII of the Civil Rights**

1 Act of 1964, 42 U.S.C. 2000e et seq.

2 (2) The acceptable use of internet services provided by or through the  
3 public postsecondary education board, system office, and each institution under  
4 its supervision. The policies shall prohibit the use of the provided internet  
5 services to access content which is reasonably believed to be sexually explicit,  
6 pornographic, or sexually harassing and, therefore, reasonably believed to  
7 create a hostile work environment as prohibited by Title VII of the Civil Rights  
8 Act of 1964, 42 U.S.C. 2000e et seq.

9 (3) Authorization of an employee or student to have unfiltered or  
10 unrestricted access to the internet for legitimate scientific, educational, or law  
11 enforcement purposes. The policies shall provide that authorization for  
12 unfiltered or unrestricted access shall:

13 (a) Be provided in writing to the employee or student granted access.

14 (b) Be kept on file in the appropriate office of the institution and board.

15 (c) Specify the purpose for the access and the time period during which  
16 the access is granted.

17 (d) Be reviewed periodically.

18 B. The Board of Regents, each public postsecondary education  
19 management board, and each public postsecondary institution shall utilize  
20 computer-related technology or internet service provider technology to block  
21 access or exposure to materials prohibited in Subsection A of this Section.

22 C. The provisions of this Section shall apply to:

23 (1) Each computer and device owned or leased, or otherwise in the care,  
24 custody, or control of a public postsecondary education board, system office, or  
25 institution.

26 (2) Internet services provided by or through a public postsecondary  
27 education board, system office, or institution.

28 D. The provisions of this Section shall not prohibit a public  
29 postsecondary education employee or student from having unfiltered or

1           unrestricted access to the internet on a computer or device that is not owned or  
 2           leased by a public postsecondary board, office, or institution, so long as the  
 3           computer or device is not used to access any material prohibited in Subsection  
 4           A of this Section through an internet service provided by or through the public  
 5           postsecondary education board, system office, or institution.

6           Section 2. This Act shall become effective upon signature by the governor or, if not  
 7           signed by the governor, upon expiration of the time for bills to become law without signature  
 8           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 9           vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 10          effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Cheryl Serrett.

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## DIGEST

SB 131 Original

2022 Regular Session

Mizell

Present law (R.S. 39:249) requires the division of administration to adopt policies relative to the acceptable use by state employees of computers owned or leased by the state. Present law prohibits internet access to online sites that contain material which is reasonably believed to be sexually explicit, pornographic, or sexually harassing and, therefore, reasonably believed to create a hostile work environment as prohibited by federal law.

Proposed law requires the Board of Regents and each public postsecondary education management board to adopt policies regarding the:

- (1) Acceptable use of computers owned or leased by each board, system office, and institution under its supervision, including prohibiting use of the computers to access content which is reasonably believed to be sexually explicit, pornographic, or sexually harassing and reasonably believed to create a hostile work environment as prohibited by federal law.
- (2) Acceptable use of internet services provided by or through each board, system office, and institution under its control including prohibiting the use of the provided services to access content reasonably believed to be sexually explicit, pornographic, or sexually harassing and reasonably believed to create a hostile work environment as prohibited by federal law.
- (3) Authorization of an employee or student to have unfiltered or unrestricted access to the internet for legitimate scientific, educational, or law enforcement purposes. Proposed law further requires the authorization to be given in writing to the employee or student, be kept on file at the appropriate institution and board, specify the purpose for the access and the time period during which the access is granted, and be periodically reviewed.

Proposed law requires the Board of Regents, each public postsecondary education management board, and each public postsecondary education institution to utilize computer-related technology to block access to any material prohibited in proposed law.

Proposed law clarifies that a public postsecondary employee or student shall not be restricted from having unfiltered or unrestricted access to the internet or any online service on a computer or device that is not owned by the board, office, or institution, so long as the computer or device is not used to access any material prohibited in proposed law through an internet service provided by or through the board, office, or institution.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 17:3383)