



Legislative
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SB 19-048

FISCAL NOTE

Drafting Number: LLS 19-0313
Prime Sponsors: Sen. Holbert
Rep. Ransom

Date: January 15, 2019
Bill Status: Senate Judiciary
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Bill Topic: PROTECT STUDENTS FROM HARMFUL MATERIAL

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input checked="" type="checkbox"/> School District

The bill requires that electronic educational materials and hardware include protective software or filters to prevent students from accessing harmful or obscene material. The bill minimally increases workload in civil courts and may increase costs for school districts.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

The bill requires that an entity that provides digital educational materials for instructional use in a public school or school district equip those materials with computer software or a filter service that prohibits access to material that is harmful or obscene. Schools that provide students access to any electronic database, or use of electronic devices capable of accessing the internet, must ensure that these resources are equipped with the necessary software or filter. The bill defines the types of content considered harmful or obscene.

A parent or legal guardian may bring a civil action against a private entity that violates these requirements and seek injunctive relief of between \$1,000 and \$5,000 for each separate violation, or actual damages incurred, exemplary damages, and reasonable attorney fees and court costs.

Background

Under current law, public schools and school districts are required to adopt and enforce reasonable policies of internet safety, intended to protect children from accessing harmful material considered to be sexually explicit or obscene.

State Expenditures

The bill will minimally increase workload for trial courts to consider civil suits brought by aggrieved parents of students who are exposed to harmful or obscene material as a result of a private vendor not adhering to the new requirements for protective software or filters. This fiscal note assumes a high degree of compliance among education content providers, and that public schools and school districts will continue their due diligence to protect students from harmful or obscene material, and to only conduct business with entities in compliance with the bill's requirements.

School District

The bill may increase operating costs for schools and school districts. The added requirements for providers of digital educational materials potentially increases the cost of those materials to schools and districts. Similarly, if current electronic devices or student access to databases do not prevent students from accessing harmful or obscene materials as defined in the bill, those schools and districts will have increased costs to purchase and install the necessary software or filter. This school district cost has not been estimated.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Education Judicial Law School Districts