



Library Law Webinar IV



Top Ten Library Laws

Your Presenter: Nancy Renfro, Regional Director, Watauga Regional Library

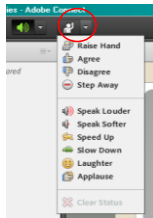
Tennessee State Library and Archives





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Tennessee State Library and Archives



Federal Law

- CIPA
- Title VI
- ADA
- LSTA
- Patriot Act



State Law

- Confidentiality
- Theft
- State Library System/Public Libraries
- Sales Tax Exemption
- Sex Offender Law



Children's Internet Protection Act (CIPA)

- Applies to any library receiving federal funds
- Internet safety policy
- Public meeting for review of policy
- "Technology protection measures" on all computers with internet access (staff and public)
- Disabling mechanisms for adults 17 or over
- Penalty: will not receive e-rate funding

CIPA

- Filters
 - **Must protect against visual depictions that are:**
 - **Obscene**
 - **Child pornography**
 - **Harmful to minors**

Title VI of the 1964 Civil Rights Act

- No discrimination on the basis of:
 - Race
 - Color
 - National Origin
- For those receiving or benefitting from federal financial assistance

Title VI of the 1964 Civil Rights Act

- Practical steps for libraries
 - Diversify the library board
 - Diversify the library staff
 - Diversify programming
 - Diversify collection
 - Actively seek minorities as cardholders
 - Welcome all
 - Post signs stating library is in compliance

Americans With Disabilities Act (ADA)

- Prohibits discrimination and ensures equal opportunity for persons with disabilities in:
 - Employment
 - State and local government service
 - Public accommodations
 - Commercial facilities
 - Transportation



Americans with Disabilities Act (ADA)

- Important phrases to remember...

"Reasonable accommodations"

"Readily achievable"

"Qualified individual with a disability"

Library Services and Technology Act (LSTA)

- Grants to the States
- Native American Library Services
- Native Hawaiian Library Services
- National Leadership Grants
- National Award for Library Service (rcvd by Memphis and Nashville)
- Connecting to Collections: Planning Grants
- Laura Bush 21st Century Librarian Program

LSTA

- Grants to the States
FY 2010-11 allotment
for US libraries:
\$160,032,000

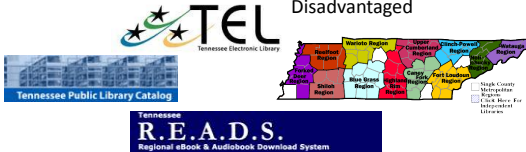


- Tennessee's Share:
\$3,204,074



LSTA:Tennessee's Share

- Tennessee Electronic Library
- READS
- Network Services Consultants
- Bibliographic Services Coordinator
- Statewide Catalog
- ILL Reimbursement
- Materials for the Disadvantaged
- Library for the Blind and Physically Handicapped
- Technology Grants
- Service Grants for the Disadvantaged



USA Patriot Act—Reauthorized 2011

Stands for:

Uniting and
Strengthening
America by

Providing
Appropriate
Tools
Required to
Intercept and
Obstruct
Terrorism



USA Patriot Act

- Required subpoena from secret Foreign Intelligence Surveillance Act (FISA) court
- Expanded “roving wiretaps”
- Fewer standards for “probable cause”
- Overrode privacy laws
- Allowed secret searches
- Forbade reporting of surveillance

USA Patriot Act--reauthorization

- Requires high level administrative approval in FBI to obtain library or bookstore records
- Library recipient of National Security Letter may consult an attorney
- Library recipient can challenge gag order after one year—can receive 5 yr prison sentence if violated
- Requires “sufficient particularity” in subpoena

Confidentiality of Library Records

- TCA10-8-101-102
- “No employee of a library shall disclose any library record that identifies a person as having requested or obtained specific materials, information or services or as having otherwise used such library”
- PII: personally identifiable information
- Similar laws in 49 states plus DC

Confidentiality--Exceptions

- Written consent of user
- Court order
- Seeking reimbursement or return of lost, stolen, or overdue materials

Theft

- TCA 39-14-101 through 39-14-103.
- Includes failure to return library materials
- Allows libraries to utilize collection agency for return/payment of materials



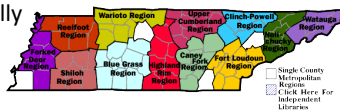
State Library System/Public Libraries

- TCA, Title 10, Chapter 1,3
 - Components
 - Northeast Tennessee Public Library
 - Tennessee Electronic Library
 - Taxes
 - Library Board appointment
 - Powers and duties of library board



State Library System/Public Libraries

- 10-3-102: Public Library supported by taxes (property or otherwise)
- 10-3-103: Library Board has 7 members, no more than 5 of same sex, 1 city and/or county official can serve
- 10-3-106: Tax funds to be held separate from other funds by city or county treasurer, audited annually



Sex Offender Registration and Monitoring

- TCA Title 40 chapter 39 part 216
- Law has been in effect since 2004
- Restricting access to public libraries added in 2011 legislative session



Sexual Offender Registration and Monitoring

- Public library directors shall have the authority to reasonably restrict the access of any person listed on the sexual offender registry
- Criteria
 - Likelihood of children being present in the library
 - Age of the victim
 - Chilling effect on other patrons if not restricted
- Can completely ban sex offender, but don't have to

Sexual Offender Registration and Monitoring

- How to ban:
 - Mail notice to offender at address specified on sex offender registry
 - State specific time and space restrictions
 - Indicate that criteria (presence of children, age of victim and chilling effect) have been considered
- Offender may be arrested if he/she comes into the library 5 days after mailing notice.

Sales Tax Exemption

- TCA 67-6-102(6)(B)
- Effective January 1, 2009
- charitable entities whose primary purpose is fund-raising in support of a city, county, or metropolitan library system
- may make up to \$100,000 per year without paying sales tax
- This law is in effect until December 31, 2013

Child Abuse

- Physical Abuse or Neglect, Sexual Abuse or Verbal Abuse
- According to Tennessee law, all persons (including doctors, mental health professionals, child care providers, dentists, family members and friends) must report suspected cases of child abuse or neglect. Failure to report child abuse or neglect is a violation of the law.

Child Abuse

- DCS accepts reports of child maltreatment provided it meets the following three criteria:
 - The report pertains to a child under the age of 18 years.
 - The report alleges harm or imminent risk of harm to the child.
 - The alleged perpetrator is:
 - a parent or caretaker
 - a relative or other person living in the home
 - an educator, volunteer, employee of recreational/organizational setting who is responsible for the child
 - any individual providing treatment, care or supervision for the child.
- The reporter's identity is confidential, but a name should be given so the department could follow up with the reporter if necessary. The reporter is free from civil or criminal liability for reports of suspected child abuse or neglect made in good faith.

Library Policies to Review

- Patron Behavior Policy
- Internet Policy
- Library Card Policy
- Others?





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