

Amendment No. 1 to HB2454

White  
Signature of Sponsor

**AMEND Senate Bill No. 2292\***

**House Bill No. 2454**

by deleting all language after the enacting clause and substituting instead:

SECTION 1. Tennessee Code Annotated, Section 39-17-902, is amended by redesignating subsection (e) as subdivision (e)(1) and adding the following new subdivision (e)(2):

(2) The educational justification exception established in subdivision (e)(1) does not apply if the obscene material is possessed by a person with the intent to send, sell, distribute, exhibit, or display the material to a minor.

SECTION 2. Tennessee Code Annotated, Section 49-1-221(a)(1), is amended by deleting subdivision (C) and substituting:

(C) Select technology for the LEA's computers having internet access that will:

(i) Filter, block, or otherwise prevent access to pornography or obscenity through online resources; and

(ii) Prohibit and prevent a user from sending, receiving, viewing, or downloading materials that are deemed to be harmful to minors, as defined in § 39-17-901;

SECTION 3. Tennessee Code Annotated, Section 49-1-221, is amended by adding the following as new subsections:

(c)

(1) A contract between an LEA and a provider of technology for the LEAs computers that is used to comply with subdivision (a)(1)(C) must include a verification that the technology:

(A) Prohibits and prevents a user of an LEA computer from sending, receiving, viewing, or downloading materials that are deemed to be harmful to minors, as defined in § 39-17-901; and

(B) Filters, blocks, or otherwise prevents access to pornography or obscenity.

(2) If a provider of technology for LEA computers fails to fulfill the provider's contractual obligations under subdivisions (c)(1)(A) and (B), then the LEA may withhold further payments, if any, to the provider until the provider's obligations under subdivisions (c)(1)(A) and (B) are fulfilled.

(3) If a provider of technology for LEA computers fails to fulfill the provider's obligations under subdivisions (c)(1)(A) and (B) for more than five (5) business days, then the LEA may consider the provider's non-compliance a breach of contract.

(4) As used in this subsection (c), "verification" means a documented attestation by a provider of technology for LEA computers that the provider will fulfill all of the requirements of subdivisions (c)(1)(A) and (B), submitted to the LEA prior to execution of a contractual agreement between the LEA and the provider.

(d) Each local board of education shall:

(1) Establish, or contract with a third party to establish, a mechanism for the parent or legal guardian of a student enrolled in the LEA, or a student enrolled in the LEA, to report a failure of the technology selected by the LEA to filter, block, or otherwise prevent access to pornography or obscenity through online resources to the respective school; and

(2) Submit an annual report to the state board of education on the successes or failures of the technology selected by the LEA to filter, block, or

otherwise prevent access to pornography or obscenity through online resources, including the number of reports submitted pursuant to subdivision (d)(1).

SECTION 4. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 5. Section 1 of this act takes effect on July 1, 2022, the public welfare requiring it, and applies to offenses occurring on or after that date. All other sections of this act take effect July 1, 2022, the public welfare requiring it, and apply to contracts entered into or renewed on or after that date.