

## **Basalt Regional Library District**

### **Electronic Access Policy**

It is the policy of the Basalt Regional Library District's (BRLD) Board of Trustees to provide Internet access to its patrons and guests.

BRLD understands the important role the Internet and electronic resources play in today's society. Therefore, BRLD maintains public computers, wireless Internet service, and reputable databases for the convenience of our guests and patrons.

BRLD adheres to the USA Patriot Act, the Children's Internet Protection Act (CIPA), and the Child Online Protection Act (COPA).

1. Each Internet accessible computer has security software which will automatically delete any changes made during a user's session once the computer is rebooted or shut down at the end of the session. Patrons are advised to save files to the cloud or onto a flash drive.
2. Patrons must have a BRLD library card if they wish to use an Internet accessible computer. Guests may request a "Guest Pass."
3. Computer users may use the computer in blocks of one-hour sessions. Library staff has the authority to grant or deny extended computer time on an individual basis if computers are available.
4. All public computer stations and network connections (including wireless) in the library are filtered according to Federal and State law. Filters are software programs that block access to material that may be considered offensive. No filter is 100 percent effective. Parents or legal guardians of minors must assume responsibility for their children's use of the computers.
5. The information resources available through the Internet exist beyond the scope of BRLD's Collection Development policy. BRLD is not responsible for the accuracy or validity of information found on the Internet. Patrons should consider the source and timeliness of all information retrieved through the Internet. BRLD subscribes to several reputable databases that are available to our patrons.
6. Unauthorized Use: Illegal activities or any other activities intended to disrupt the network services or equipment are prohibited. Unauthorized use includes, but is not limited to, the following:
  - a. Disrupting or causing damage to library programs, data, or equipment
  - b. Disassembling computers or disconnecting network or power cables from computer or wall
  - c. Unauthorized monitoring of electronic communications
  - d. Unauthorized entering of other machines accessible via the library's networks

- e. Intentionally propagating computer worms, viruses or other malicious software
- f. Interfering with another patron's privacy or use of a library terminal
- g. Fraudulently obtaining access to Internet sites including falsification of age, and unauthorized use of computer accounts, access codes or network identification numbers
- h. Unauthorized use or copying of information posted on the Internet
- i. Distributing unsolicited advertising or spam
- j. Violating software licensing agreements and/or copyright laws

Unauthorized access of a computer, computer network, computer system, or any part thereof, or exceeding authorized access to a computer, computer network, computer system, or any part thereof, is a crime under Colorado law (Colorado Revised Statutes, Sec. 18-5.5-102). Unauthorized use may result in the loss of library privileges. Violators may also be subject to criminal prosecution or other legal action.

7. Patrons of BRLD shall be prohibited from invading the privacy of any computer user. Each patron must comply with the BRLD's Behavior Policy and should be considerate of all library users and library staff. Computer users must be aware that the U.S.A. Patriot Act gives authorities the legal right to access information from computers in the library. In the event of a request for information from a law enforcement agency, the Executive Director will contact BRLD legal counsel for advice on how to respond to the request.
8. The American Library Association's Freedom to Read Statement (attached hereto as Exhibit B) and the Library Bill of Rights (attached hereto as Exhibit C) are adopted policies of the Board of Trustees.
9. The library will not be responsible for any information (i.e. credit card) that is compromised, or for any damage caused to your hardware or software due to electric surges, security issues, or consequences caused by viruses or hacking.

Review Date: April 2015, March 2022

# 2020 Colorado Revised Statutes

## Title 18 - Criminal Code

### Article 5.5. Computer Crime

#### Section 18-5.5-102. Cybercrime.

Universal Citation: [CO Rev Stat § 18-5.5-102 \(2020\)](#)

(1) A person commits cybercrime if the person knowingly:

- a. Accesses a computer, computer network, or computer system or any part thereof without authorization; exceeds authorized access to a computer, computer network, or computer system or any part thereof; or uses a computer, computer network, or computer system or any part thereof without authorization or in excess of authorized access; or
- b. Accesses any computer, computer network, or computer system, or any part thereof for the purpose of devising or executing any scheme or artifice to defraud; or
- c. Accesses any computer, computer network, or computer system, or any part thereof to obtain, by means of false or fraudulent pretenses, representations, or promises, money; property; services; passwords or similar information through which a computer, computer network, or computer system or any part thereof may be accessed; or other thing of value; or
- d. Accesses any computer, computer network, or computer system, or any part thereof to commit theft; or
- e. Without authorization or in excess of authorized access alters, damages, interrupts, or causes the interruption or impairment of the proper functioning of, or causes any damage to, any computer, computer network, computer system, computer software, program, application, documentation, or data contained in such computer, computer network, or computer system or any part thereof; or
- f. Causes the transmission of a computer program, software, information, code, data, or command by means of a computer, computer network, or computer system or any part thereof with the intent to cause damage to or to cause the interruption or impairment of the proper functioning of or that actually causes damage to or the interruption or impairment of the proper functioning of any computer, computer network, computer system, or part thereof; or
- g. Uses or causes to be used a software application that runs automated tasks over the internet to access a computer, computer network, or computer system, or any part thereof, that circumvents or disables any electronic queues, waiting periods, or other technological measure intended by the seller to limit the number of event tickets that may be purchased by any single person in an online event ticket sale as defined in section 6-1-720, C.R.S.; or

- h. Solicits or offers to arrange a situation in which a minor may engage in prostitution by means of using a computer, computer network, computer system, or any part thereof; or
  - i. Directly or indirectly uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the payment card without the permission of the authorized user of the payment card, and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant; or
  - j. Directly or indirectly uses an encoding machine to place information encoded on the payment card onto a different payment card without the permission of the authorized user of the payment card from which the information being reencoded was obtained, and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.
2. (Deleted by amendment, L. 2000, p. 695, § 8, effective July 1, 2000.)
3. (a) Except as provided in subsections (3)(b), (3)(b.5), and (3)(c) of this section, if the loss, damage, value of services, or thing of value taken, or cost of restoration or repair caused by a violation of this section is:
- I. (Deleted by amendment, L. 2018.)
  - II. Less than three hundred dollars, cybercrime is a class 3 misdemeanor;
  - III. Three hundred dollars or more but less than seven hundred fifty dollars, cybercrime is a class 2 misdemeanor;
  - IV. Seven hundred fifty dollars or more but less than two thousand dollars, cybercrime is a class 1 misdemeanor;
  - V. Two thousand dollars or more but less than five thousand dollars, cybercrime is a class 6 felony;
  - VI. Five thousand dollars or more but less than twenty thousand dollars, cybercrime is a class 5 felony;
  - VII. Twenty thousand dollars or more but less than one hundred thousand dollars, cybercrime is a class 4 felony;
  - VIII. One hundred thousand dollars or more but less than one million dollars, cybercrime is a class 3 felony; and
  - IX. One million dollars or more, cybercrime is a class 2 felony.
- b. Cybercrime committed in violation of subsection (1)(a) of this section is a class 2 misdemeanor; except that, if the person has previously been convicted under this section or of any criminal act committed in any jurisdiction of the United States which, if committed in this state, would be a felony under this statute, cybercrime committed in violation of subsection (1)(a) of this section is a class 6 felony.
- (b.5) Cybercrime committed in violation of subsection (1)(h), (1)(i), or (1)(j) of this section is a class 5 felony.
- c. (I) Cybercrime committed in violation of subsection (1)(g) of this section is a class 1 misdemeanor.

- II. If cybercrime is committed to obtain event tickets, each ticket purchased shall constitute a separate offense.
- III. Subsection (1)(g) of this section shall not prohibit the resale of tickets in a secondary market by a person other than the event sponsor or promoter.

(d) Consistent with section 18-1-202, a prosecution for a violation of subsection (1)(g) of this section may be tried in the county where the event has been, or will be, held.

(4) Nothing in this section precludes punishment pursuant to any other section of law.

**Source:** **L. 79:** Entire article added, p. 728, § 7, effective July 1. **L. 83:** (1) amended, p. 705, § 3, effective July 1. **L. 84:** (3) amended, p. 538, § 14, effective July 1, 1985. **L. 89:** (3) amended, p. 839, § 75, effective July 1. **L. 92:** (3) amended, p. 437, § 9, effective April 10. **L. 98:** (3) amended, p. 1440, § 18, effective July 1; (3) amended, p. 797, § 12, effective July 1. **L. 2000:** Entire section amended, p. 695, § 8, effective July 1. **L. 2007:** (3)(a) amended, p. 1696, § 14, effective July 1. **L. 2008:** (1)(g), (3)(c), and (3)(d) added and (3)(a) amended, p. 2230, §§ 3, 4, effective July 1. **L. 2014:** (3)(a) amended, (HB 14-1266), ch. 155, p. 539, § 5, effective August 6. **L. 2018:** IP(1) and (3) amended and (1)(h), (1)(i), (1)(j), and (4) added, (HB 18-1200), ch. 379, p. 2290, § 2, effective August 8.

**Cross references:** For the legislative declaration contained in the 2007 act amending subsection (3)(a), see section 1 of chapter 384, Session Laws of Colorado 2007.

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## The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

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This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

*A Joint Statement by:*

American Library Association (/)

Association of American Publishers (<http://www.publishers.org/>)

*Subsequently endorsed by:*

American Booksellers for Free Expression (<http://www.bookweb.org/abfe>)

The Association of American University Presses (<http://www.aaupnet.org/>)

The Children's Book Council (<http://www.cbcbooks.org/>)

Freedom to Read Foundation (<http://www.ftrf.org>)

National Association of College Stores (<http://www.nacs.org/>)

National Coalition Against Censorship (<http://www.ncac.org/>)

National Council of Teachers of English (<http://www.ncte.org/>)

The Thomas Jefferson Center for the Protection of Free Expression

## Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Inclusion of "age" reaffirmed January 23, 1996.

Although the Articles of the *Library Bill of Rights* are unambiguous statements of basic principles that should govern the service of all libraries, questions do arise concerning application of these principles to specific library practices. See the documents designated by the Intellectual Freedom Committee as Interpretations of the Library Bill of Rights (<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations>).