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et al.

H.B. No. 3225

A BILL TO BE ENTITLED

AN ACT

relating to the restriction of access by minors to sexually  
explicit materials in municipal public library collections;  
providing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 10, Local Government Code, is  
amended by adding Chapter 310 to read as follows:

CHAPTER 310. SEXUALLY EXPLICIT MATERIALS IN MUNICIPAL PUBLIC

LIBRARY COLLECTIONS

Sec. 310.001. DEFINITIONS. In this chapter:

(1) "Access" means the ability to check out or be  
provided with library material in any format in the library's  
catalog by library staff or an automated system.

(2) "Commission" means the Texas State Library and  
Archives Commission.

(3) "Curate" means to select, organize, or place  
material within a specific physical or electronic section or  
collection of a municipal public library.

(4) "Minor" means an individual who is younger than 18  
years of age.

(5) "Minor's section" means any section of a municipal  
public library, including a shelf, physical space, or electronic  
catalog, that is designated or labeled in a manner that indicates  
its primary audience includes individuals who are younger than 18

1 years of age.

2 (6) "Municipal public library" means a library that  
3 is:

4 (A) financed and operated by a municipality; and

5 (B) open free of charge to all members of the  
6 public under identical conditions.

7 (7) "Sexual conduct" means:

8 (A) any touching of the anus, breast, or any part  
9 of the genitals of another person with intent to arouse or gratify  
10 the sexual desire of any person;

11 (B) actual or simulated sexual intercourse;

12 (C) any contact between the genitals of one  
13 person and the mouth or anus of another person;

14 (D) sexual bestiality;

15 (E) masturbation;

16 (F) sado-masochistic abuse; or

17 (G) lewd exhibition of the genitals, the anus, or  
18 any portion of the female breast below the top of the areola.

19 (8) "Sexually explicit material" means any  
20 communication, language, or material, including a written  
21 description, illustration, photographic image, video image, or  
22 audio file, that describes, depicts, or portrays sexual conduct in  
23 an explicit manner.

24 Sec. 310.002. ACCESS TO SEXUALLY EXPLICIT MATERIAL. (a) A  
25 municipal public library may not maintain sexually explicit  
26 material in a physical or electronic collection that a minor may  
27 access in a minor's section.

1       (b) A municipal public library that maintains sexually  
2 explicit material in a physical or electronic collection:

3           (1) may not permit a minor to check out such material  
4 from a physical collection or view or download such material in an  
5 electronic format without consent from the minor's legal guardian  
6 as provided under Subsection (d); and

7           (2) shall implement age verification measures to  
8 prevent minors from checking out from a physical collection or  
9 viewing or downloading in an electronic format such material  
10 without consent from the minor's legal guardian as provided under  
11 Subsection (d).

12       (c) A municipal public library may not maintain, curate,  
13 display, or make available for checkout sexually explicit material  
14 in a minor's section of the library.

15       (d) A municipal public library may permit a minor to check  
16 out from a physical collection or view or download in an electronic  
17 format:

18           (1) materials that do not contain sexually explicit  
19 material; and

20           (2) with consent from the minor's legal guardian, any  
21 materials in the library's physical or electronic collection, if  
22 the library gives notice to the legal guardian that the full  
23 collection may contain sexually explicit material.

24       (e) This section does not apply to religious materials.

25       Sec. 310.003. REVIEW OF LIBRARY COLLECTIONS. (a) The  
26 commission shall establish guidelines for a municipal public  
27 library to review its collections to determine whether material

1 curated in a minor's section contains sexually explicit material.

2 The guidelines must require a municipal public library to:

3 (1) annually review all new materials curated for a  
4 minor's section;

5 (2) document the review process; and

6 (3) adopt a process to review specific material in its  
7 collections upon petition from a member of the public and determine  
8 if the material contains sexually explicit material not later than  
9 the 10th day after the later of the date of the receipt of the  
10 petition or the date the material is available for review.

11 (b) The guidelines established under Subsection (a) must  
12 allow a municipal public library to deny a petition to review any  
13 material previously reviewed under the process described by  
14 Subsection (a)(3).

15 (c) A municipal public library that determines that the  
16 library maintains, curates, displays, or makes available sexually  
17 explicit material in a minor's section of the library or in a manner  
18 that a minor may access in violation of Section 310.002 shall, not  
19 later than the 45th day after the date the library makes the  
20 determination, remove or relocate the sexually explicit material in  
21 a manner that prevents access to the material by a minor in a  
22 minor's section.

23 Sec. 310.004. ELIGIBILITY FOR STATE GRANTS. (a) The  
24 commission shall require documentation of compliance with this  
25 chapter to determine eligibility for state library grants.

26 (b) A municipal public library is not eligible to receive a  
27 grant from the commission unless the library:

1           (1) provides an attestation on the grant application  
2 that the library:

3                   (A) does not maintain sexually explicit material  
4 in any physical or electronic collection designated for minors;

5                   (B) implements age verification measures to  
6 prevent minors from checking out sexually explicit material; and

7                   (C) does not maintain, curate, display, or make  
8 available for checkout sexually explicit material in a minor's  
9 section of the library; and

10           (2) confirms its adherence to the guidelines  
11 established by the commission for a library to be eligible for a  
12 grant from the commission.

13           Sec. 310.005. CIVIL PENALTY; INJUNCTION. (a) A municipal  
14 public library that violates Section 310.002 and does not remedy  
15 the violation within the period prescribed by Section 310.003(c) is  
16 liable to the state for a civil penalty of not more than \$10,000 for  
17 each violation.

18           (b) The attorney general may bring an action to:

19                   (1) recover the civil penalty imposed under this  
20 section; or

21                   (2) obtain a temporary or permanent injunction to  
22 restrain the violation.

23           (c) An action under this section may be brought in a  
24 district court in:

25                   (1) Travis County; or

26                   (2) a county in which any part of the violation occurs.

27           (d) The attorney general shall deposit a civil penalty

1 collected under this section in the state treasury to the credit of  
2 the general revenue fund.

3 (e) The attorney general may recover reasonable expenses  
4 incurred in bringing an action under this section, including court  
5 costs, reasonable attorney's fees, investigative costs, witness  
6 fees, and deposition expenses.

7 Sec. 310.006. RULES. The commission may adopt rules  
8 necessary to administer this chapter.

9 Sec. 310.007. TEMPORARY PROVISION: REVIEW OF EXISTING  
10 COLLECTIONS BY SEPTEMBER 1, 2027, REQUIRED; PUBLIC NOTICE. (a)  
11 Each municipal public library shall:

12 (1) not later than March 1, 2026, post in a prominent  
13 location within the library the public notice described by  
14 Subsection (b); and

15 (2) not later than September 1, 2027, conduct a review  
16 of the library's existing collections curated for a minor's section  
17 according to the guidelines established by the commission under  
18 Section 310.003.

19 (b) The public notice must contain:

20 (1) a statement that, under Chapter 310, municipal  
21 public libraries are required to complete a review of all materials  
22 curated for minors by September 1, 2027;

23 (2) a statement indicating whether the library has  
24 initiated a review of its minor's section to identify and relocate  
25 sexually explicit material in good faith compliance with the law;  
26 and

27 (3) the contact information for the library for any

1 public inquiries regarding the review process.

2       (c) The commission may adopt a model notice template for  
3 municipal public libraries to use to meet the requirements of this  
4 section.

5       (d) This section expires January 1, 2028.

6       SECTION 2. Not later than September 1, 2026, the Texas State  
7 Library and Archives Commission shall adopt the guidelines for  
8 municipal public library collection reviews as required under  
9 Section 310.003, Local Government Code, as added by this Act.

10       SECTION 3. This Act takes effect September 1, 2025.