

By: Alders, Hefner, Metcalf, Leo Wilson,  
et al.

H.B. No. 3225

Substitute the following for H.B. No. 3225:

By: Geren

C.S.H.B. No. 3225

A BILL TO BE ENTITLED

AN ACT

relating to the prohibition 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

years of age.

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

(A) financed and operated by a municipality; and

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

(7) "Sexual conduct" includes:

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

(B) actual or simulated sexual intercourse;

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

(D) sexual bestiality;

(E) masturbation;

(F) sado-masochistic abuse; or

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

(8) "Sexually explicit material" means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file, that describes, depicts, or portrays sexual conduct.

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

(b) A municipal public library that maintains sexually

1 explicit material in a physical or electronic collection shall  
2 implement age verification measures to prevent minors from  
3 accessing such materials.

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

7 (d) This section does not apply to religious materials.

8 Sec. 310.003. REVIEW OF LIBRARY COLLECTIONS. (a) The  
9 commission shall establish guidelines for a municipal public  
10 library to review its collections to determine whether material  
11 curated in a minor's section contains sexually explicit material.  
12 The guidelines must require a municipal public library to:

13 (1) annually review its collections;  
14 (2) document the review process; and  
15 (3) adopt a process to review specific material in its  
16 collections upon petition from a member of the public and determine  
17 if the material contains sexually explicit material not later than  
18 the 10th day after the date of the receipt of the petition.

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

26 Sec. 310.004. ELIGIBILITY FOR STATE GRANTS. (a) The  
27 commission may require documentation of compliance with this

1 chapter to determine eligibility for state library grants.

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

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

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

8 (B) implements age verification measures to  
9 prevent minors from accessing sexually explicit material; and

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

13 (2) confirms its adherence to the guidelines  
14 established by the commission for a library to be eligible for a  
15 grant from the commission.

16 Sec. 310.005. CIVIL PENALTY; INJUNCTION. (a) A municipal  
17 public library that violates Section 310.002 is liable to the state  
18 for a civil penalty of not more than \$10,000 for each violation.

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

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

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

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

26 (1) Travis County; or

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

1        (d) The attorney general shall deposit a civil penalty  
2 collected under this section in the state treasury to the credit of  
3 the general revenue fund.

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

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

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

14        SECTION 3. Not later than January 1, 2027, each municipal  
15 public library shall conduct the review required by Section  
16 310.003, Local Government Code, as added by this Act.

17        SECTION 4. This Act takes effect September 1, 2025.