**BILL ANALYSIS**

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| Senate Research Center | H.B. 3225 |
|  | By: Alders et al. (Hughes) |
|  | State Affairs |
|  | 5/13/2025 |
|  | Engrossed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 3225 amends current law relating to the restriction of access by minors to sexually explicit materials in municipal public library collections and provides a civil penalty.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas State Library and Archives Commission in SECTION 1 (Section 310.006, Government Code) of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle A, Title 10, Local Government Code, by adding Chapter 310, as follows:

CHAPTER 310. SEXUALLY EXPLICIT MATERIALS IN MUNICIPAL PUBLIC LIBRARY COLLECTIONS

Sec. 310.001. DEFINITIONS. Defines "access," "commission," "curate," "minor," "minor's section," "municipal public library," "sexual conduct," and "sexually explicit material."

Sec. 310.002. ACCESS TO SEXUALLY EXPLICIT MATERIAL. (a) Prohibits a municipal public library from maintaining sexually explicit material in a physical or electronic collection that a minor may access in a minor's section.

(b) Provides that a municipal public library that maintains sexually explicit material in a physical or electronic collection is:

(1) prohibited from permitting a minor to check out such material from a physical collection or view or download such material in an electronic format without consent from the minor's legal guardian as provided under Subsection (d); and

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

(c) Prohibits a municipal public library from maintaining, curating, displaying, or making available for checkout sexually explicit material in a minor's section of the library.

(d) Authorizes a municipal public library to permit a minor to check out from a physical collection or view or download in an electronic format materials that do not contain sexually explicit material and with consent from the minor's legal guardian, any materials in the library's physical or electronic collection, if the library gives notice to the legal guardian that the full collection may contain sexually explicit material.

(e) Provides that this section does not apply to religious materials.

Sec. 310.003. REVIEW OF LIBRARY COLLECTIONS. (a) Requires the Texas State Library and Archives Commission (TSLAC) to establish guidelines for a municipal public library to review its collections to determine whether material curated in a minor's section contains sexually explicit material. Requires that the guidelines require a municipal public library to:

(1) annually review all new materials curated for a minor's section,

(2) document the review process; and

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

(b) Requires that the guidelines established under Subsection (a) allow a municipal public library to deny a petition to review any material previously reviewed under the process described by Subsection (a)(3).

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

Sec. 310.004. ELIGIBILITY FOR STATE GRANTS. (a) Requires TSLAC to require documentation of compliance with this chapter to determine eligibility for state library grants.

(b) Provides that a municipal public library is not eligible to receive a grant from TSLAC unless the library:

(1) provides an attestation on the grant application that the library does not maintain sexually explicit material in any physical or electronic collection designated for minors, implements age verification measures to prevent minors from checking out sexually explicit material, and does not maintain, curate, display, or make available for checkout sexually explicit material in a minor's section of the library; and

(2) confirms its adherence to the guidelines established by TSLAC for a library to be eligible for a grant from TSLAC.

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

(b) Authorizes the attorney general to bring an action to recover the civil penalty imposed under this section or obtain a temporary or permanent injunction to restrain the violation.

(c) Authorizes an action under this section to be brought in a district court in Travis County or a county in which any part of the violation occurs.

(d) Requires the attorney general to deposit a civil penalty collected under this section in the state treasury to the credit of the general revenue fund.

(e) Authorizes the attorney general to recover reasonable expenses incurred in bringing an action under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition expenses.

Sec. 310.006. RULES. Authorizes TSLAC to adopt rules necessary to administer this chapter.

Sec. 310.007. TEMPORARY PROVISION: REVIEW OF EXISTING COLLECTIONS BY SEPTEMBER 1, 2027, REQUIRED; PUBLIC NOTICE. (a) Requires each municipal public library to:

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

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

(b) Requires that the public notice contain certain statements and information.

(c) Authorizes TSLAC to adopt a model notice template for municipal public libraries to use to meet the requirements of this section.

(d) Provides that this section expires January 1, 2028.

SECTION 2. Requires TSLAC, not later than September 1, 2026, to adopt the guidelines for municipal public library collection reviews as required under Section 310.003, Local Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2025.