**BILL ANALYSIS**

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| Senate Research Center | S.B. 2101 |
|  | By: Hughes |
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**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In the 88th Legislative Session, Texas lawmakers attempted to protect minors from sexually explicit materials, both from online websites with H.B. 1181 and public school libraries with H.B. 900. However that sexually explicit material can still be found in sections designated for minors in public municipal libraries across the state as no uniform standard for removing such material has been adopted into law, although other states such as Louisiana and Idaho have recently put such standards into place.

S.B. 2101 would address this issue by, among other provisions, requiring a municipal public library to annually review its collections to determine whether material curated in a minor's section contains sexually explicit material and to remove or relocate any such material found. 

As proposed, S.B. 2101 amends current law relating to the prohibition 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 310.005, Local 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," "minor," "municipal public library," "sexually explicit material," "minor's section," and "curate."

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.

(b) Requires a municipal public library that maintains sexually explicit material in a physical or electronic collection to implement age verification measures to prevent minors from accessing such materials.

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

(d) 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 the collections curated in minor's sections contain sexually explicit material. Requires that the guidelines require a municipal public library to annually review its collections, document the review process, and adopt a process to review a specific material in its collections upon petition from a member of the public and determine if it contains sexually explicit material within ten days of the petition.

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

Sec. 310.004. ENFORCEMENT; PENALTY; INJUNCTION. (a) Authorizes TSLAC to monitor and enforce compliance with this chapter.

(b) Prohibits the state or a political subdivision, if TSLAC determines that a municipal public library has violated Section 310.002 and has not removed or relocated sexually explicit material that is the subject of the violation by the 45th day after the date TSLAC notifies the library of the violation, from providing funds to the municipal public library for the fiscal year following the year in which the library is found to be in violation of Section 310.002.

(c) Provides that a municipal public library that violates Section 310.002 is liable to the state for a civil penalty of not more than $10,000 for each violation.

(d) 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.

(e) 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.

(f) 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.

(g) 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. 310.005. RULES. Authorizes TSLAC to adopt rules necessary to administer this chapter.

SECTION 2. Requires TSLAC, not later than January 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. Requires each municipal public library, not later than January 1, 2027, to conduct the review required by Section 310.003, Local Government Code, as added by this Act.

SECTION 4. Effective date: September 1, 2025.