By:  Alders 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 to be provided a copy of a particular material in a physical or electronic format or in any other manner by library staff or automated systems.

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

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

(4)  "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.

(5)  "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, as defined by Section 43.25, Penal Code.

(6)  "Minor's section" means any section of a municipal public library designated for children, teens, or young adults, or labeled in a manner that indicates its primary audience includes individuals younger than 18 years of age.

(7)  "Curate" means to select, organize, or place materials within a specific section or collection of a municipal public library.

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

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

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

Sec. 310.003.  REVIEW OF LIBRARY COLLECTIONS. (a) The commission shall 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. The guidelines must require a municipal public library to:

(1)  annually review its collections;

(2)  document the review process; and

(3)  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)  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 shall, 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.

Sec. 310.004.  ENFORCEMENT; PENALTY; INJUNCTION. (a) The commission may monitor and enforce compliance with this chapter.

(b)  If the commission 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 the commission notifies the library of the violation, the state or a political subdivision may not provide 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)  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)  The attorney general may bring an action to:

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

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

(e)  An action under this section may be brought in a district court in:

(1)  Travis County; or

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

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

(g)  The attorney general may 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. The commission may adopt rules necessary to administer this chapter.

SECTION 2.  Not later than January 1, 2026, the Texas State Library and Archives Commission shall 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.  Not later than January 1, 2027, each municipal public library shall conduct the review required by Section 310.003, Local Government Code, as added by this Act.

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