

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

1 description, illustration, photographic image, video image, or  
2 audio file, that describes, depicts, or portrays sexual conduct, as  
3 defined by Section 43.25, Penal Code.

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

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

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

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

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

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

23 Sec. 310.003. REVIEW OF LIBRARY COLLECTIONS. (a) The  
24 commission shall establish guidelines for a municipal public  
25 library to review its collections to determine whether the  
26 collections curated in minor's sections contain sexually explicit  
27 material. The guidelines must require a municipal public library

1 to:

- 2 (1) annually review its collections;  
3 (2) document the review process; and  
4 (3) adopt a process to review a specific material in  
5 its collections upon petition from a member of the public and  
6 determine if it contains sexually explicit material within ten days  
7 of the petition.

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

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

17 (b) If the commission determines that a municipal public  
18 library has violated Section 310.002 and has not removed or  
19 relocated sexually explicit material that is the subject of the  
20 violation by the 45th day after the date the commission notifies the  
21 library of the violation, the state or a political subdivision may  
22 not provide funds to the municipal public library for the fiscal  
23 year following the year in which the library is found to be in  
24 violation of Section 310.002.

25 (c) A municipal public library that violates Section  
26 310.002 is liable to the state for a civil penalty of not more than  
27 \$10,000 for each violation.

1       (d) The attorney general may bring an action to:

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

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

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

8               (1) Travis County; or

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

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

13       (g) The attorney general may recover reasonable expenses  
14 incurred in bringing an action under this section, including court  
15 costs, reasonable attorney's fees, investigative costs, witness  
16 fees, and deposition expenses.

17       Sec. 310.005. RULES. The commission may adopt rules  
18 necessary to administer this chapter.

19       SECTION 2. Not later than January 1, 2026, the Texas State  
20 Library and Archives Commission shall adopt the guidelines for  
21 municipal public library collection reviews as required under  
22 Section 310.003, Local Government Code, as added by this Act.

23       SECTION 3. Not later than January 1, 2027, each municipal  
24 public library shall conduct the review required by Section  
25 310.003, Local Government Code, as added by this Act.

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