

1-1 By: Alders, et al. (Senate Sponsor - Hughes, et al.) H.B. No. 3225
 1-2 (In the Senate - Received from the House May 12, 2025;
 1-3 May 13, 2025, read first time and referred to Committee on State
 1-4 Affairs; May 23, 2025, reported favorably by the following vote:
 1-5 Yeas 8, Nays 1; May 23, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17			X	
1-18		X		

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the restriction of access by minors to sexually
 1-22 explicit materials in municipal public library collections;
 1-23 providing a civil penalty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subtitle A, Title 10, Local Government Code, is
 1-26 amended by adding Chapter 310 to read as follows:

1-27 CHAPTER 310. SEXUALLY EXPLICIT MATERIALS IN MUNICIPAL PUBLIC
 1-28 LIBRARY COLLECTIONS

1-29 Sec. 310.001. DEFINITIONS. In this chapter:

1-30 (1) "Access" means the ability to check out or be
 1-31 provided with library material in any format in the library's
 1-32 catalog by library staff or an automated system.

1-33 (2) "Commission" means the Texas State Library and
 1-34 Archives Commission.

1-35 (3) "Curate" means to select, organize, or place
 1-36 material within a specific physical or electronic section or
 1-37 collection of a municipal public library.

1-38 (4) "Minor" means an individual who is younger than 18
 1-39 years of age.

1-40 (5) "Minor's section" means any section of a municipal
 1-41 public library, including a shelf, physical space, or electronic
 1-42 catalog, that is designated or labeled in a manner that indicates
 1-43 its primary audience includes individuals who are younger than 18
 1-44 years of age.

1-45 (6) "Municipal public library" means a library that
 1-46 is:

1-47 (A) financed and operated by a municipality; and

1-48 (B) open free of charge to all members of the
 1-49 public under identical conditions.

1-50 (7) "Sexual conduct" means:

1-51 (A) any touching of the anus, breast, or any part
 1-52 of the genitals of another person with intent to arouse or gratify
 1-53 the sexual desire of any person;

1-54 (B) actual or simulated sexual intercourse;

1-55 (C) any contact between the genitals of one
 1-56 person and the mouth or anus of another person;

1-57 (D) sexual bestiality;

1-58 (E) masturbation;

1-59 (F) sado-masochistic abuse; or

1-60 (G) lewd exhibition of the genitals, the anus, or
 1-61 any portion of the female breast below the top of the areola.

2-1 (8) "Sexually explicit material" means any
 2-2 communication, language, or material, including a written
 2-3 description, illustration, photographic image, video image, or
 2-4 audio file, that describes, depicts, or portrays sexual conduct in
 2-5 an explicit manner.

2-6 Sec. 310.002. ACCESS TO SEXUALLY EXPLICIT MATERIAL. (a) A
 2-7 municipal public library may not maintain sexually explicit
 2-8 material in a physical or electronic collection that a minor may
 2-9 access in a minor's section.

2-10 (b) A municipal public library that maintains sexually
 2-11 explicit material in a physical or electronic collection:

2-12 (1) may not permit a minor to check out such material
 2-13 from a physical collection or view or download such material in an
 2-14 electronic format without consent from the minor's legal guardian
 2-15 as provided under Subsection (d); and

2-16 (2) shall implement age verification measures to
 2-17 prevent minors from checking out from a physical collection or
 2-18 viewing or downloading in an electronic format such material
 2-19 without consent from the minor's legal guardian as provided under
 2-20 Subsection (d).

2-21 (c) A municipal public library may not maintain, curate,
 2-22 display, or make available for checkout sexually explicit material
 2-23 in a minor's section of the library.

2-24 (d) A municipal public library may permit a minor to check
 2-25 out from a physical collection or view or download in an electronic
 2-26 format:

2-27 (1) materials that do not contain sexually explicit
 2-28 material; and

2-29 (2) with consent from the minor's legal guardian, any
 2-30 materials in the library's physical or electronic collection, if
 2-31 the library gives notice to the legal guardian that the full
 2-32 collection may contain sexually explicit material.

2-33 (e) This section does not apply to religious materials.

2-34 Sec. 310.003. REVIEW OF LIBRARY COLLECTIONS. (a) The
 2-35 commission shall establish guidelines for a municipal public
 2-36 library to review its collections to determine whether material
 2-37 curated in a minor's section contains sexually explicit material.
 2-38 The guidelines must require a municipal public library to:

2-39 (1) annually review all new materials curated for a
 2-40 minor's section;

2-41 (2) document the review process; and

2-42 (3) adopt a process to review specific material in its
 2-43 collections upon petition from a member of the public and determine
 2-44 if the material contains sexually explicit material not later than
 2-45 the 10th day after the later of the date of the receipt of the
 2-46 petition or the date the material is available for review.

2-47 (b) The guidelines established under Subsection (a) must
 2-48 allow a municipal public library to deny a petition to review any
 2-49 material previously reviewed under the process described by
 2-50 Subsection (a)(3).

2-51 (c) A municipal public library that determines that the
 2-52 library maintains, curates, displays, or makes available sexually
 2-53 explicit material in a minor's section of the library or in a manner
 2-54 that a minor may access in violation of Section 310.002 shall, not
 2-55 later than the 45th day after the date the library makes the
 2-56 determination, remove or relocate the sexually explicit material in
 2-57 a manner that prevents access to the material by a minor in a
 2-58 minor's section.

2-59 Sec. 310.004. ELIGIBILITY FOR STATE GRANTS. (a) The
 2-60 commission shall require documentation of compliance with this
 2-61 chapter to determine eligibility for state library grants.

2-62 (b) A municipal public library is not eligible to receive a
 2-63 grant from the commission unless the library:

2-64 (1) provides an attestation on the grant application
 2-65 that the library:

2-66 (A) does not maintain sexually explicit material
 2-67 in any physical or electronic collection designated for minors;

2-68 (B) implements age verification measures to
 2-69 prevent minors from checking out sexually explicit material; and

3-1 (C) does not maintain, curate, display, or make
3-2 available for checkout sexually explicit material in a minor's
3-3 section of the library; and

3-4 (2) confirms its adherence to the guidelines
3-5 established by the commission for a library to be eligible for a
3-6 grant from the commission.

3-7 Sec. 310.005. CIVIL PENALTY; INJUNCTION. (a) A municipal
3-8 public library that violates Section 310.002 and does not remedy
3-9 the violation within the period prescribed by Section 310.003(c) is
3-10 liable to the state for a civil penalty of not more than \$10,000 for
3-11 each violation.

3-12 (b) The attorney general may bring an action to:

3-13 (1) recover the civil penalty imposed under this
3-14 section; or

3-15 (2) obtain a temporary or permanent injunction to
3-16 restrain the violation.

3-17 (c) An action under this section may be brought in a
3-18 district court in:

3-19 (1) Travis County; or

3-20 (2) a county in which any part of the violation occurs.

3-21 (d) The attorney general shall deposit a civil penalty
3-22 collected under this section in the state treasury to the credit of
3-23 the general revenue fund.

3-24 (e) The attorney general may recover reasonable expenses
3-25 incurred in bringing an action under this section, including court
3-26 costs, reasonable attorney's fees, investigative costs, witness
3-27 fees, and deposition expenses.

3-28 Sec. 310.006. RULES. The commission may adopt rules
3-29 necessary to administer this chapter.

3-30 Sec. 310.007. TEMPORARY PROVISION: REVIEW OF EXISTING
3-31 COLLECTIONS BY SEPTEMBER 1, 2027, REQUIRED; PUBLIC NOTICE. (a)
3-32 Each municipal public library shall:

3-33 (1) not later than March 1, 2026, post in a prominent
3-34 location within the library the public notice described by
3-35 Subsection (b); and

3-36 (2) not later than September 1, 2027, conduct a review
3-37 of the library's existing collections curated for a minor's section
3-38 according to the guidelines established by the commission under
3-39 Section 310.003.

3-40 (b) The public notice must contain:

3-41 (1) a statement that, under Chapter 310, municipal
3-42 public libraries are required to complete a review of all materials
3-43 curated for minors by September 1, 2027;

3-44 (2) a statement indicating whether the library has
3-45 initiated a review of its minor's section to identify and relocate
3-46 sexually explicit material in good faith compliance with the law;
3-47 and

3-48 (3) the contact information for the library for any
3-49 public inquiries regarding the review process.

3-50 (c) The commission may adopt a model notice template for
3-51 municipal public libraries to use to meet the requirements of this
3-52 section.

3-53 (d) This section expires January 1, 2028.

3-54 SECTION 2. Not later than September 1, 2026, the Texas State
3-55 Library and Archives Commission shall adopt the guidelines for
3-56 municipal public library collection reviews as required under
3-57 Section 310.003, Local Government Code, as added by this Act.

3-58 SECTION 3. This Act takes effect September 1, 2025.

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