

By: Hughes

S.B. No. 2101

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

1 communication, language, or material, including a written
2 description, illustration, photographic image, video image, or
3 audio file, that describes, depicts, or portrays sexual conduct,
4 as defined by Section 43.25, Penal Code.

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

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

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

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

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

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

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

1 material. The guidelines must require a municipal public library
2 to:

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

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

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

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

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

1 for each violation.

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

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

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

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

9 (1) Travis County; or

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

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

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

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

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

24 SECTION 3. Not later than January 1, 2027, each municipal
25 public library shall conduct the review required by Section
26 310.003, Local Government Code, as added by this Act.

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