

HOUSE BILL 2721

By Holt

AN ACT to amend Tennessee Code Annotated, Title 5;
Title 6; Title 7 and Title 10, relative to parental
oversight.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 10, Chapter 3, is amended by adding the following as a new section:

(a) This section shall be known and may be cited as the "Parental Oversight of Public Libraries Act."

(b) As used in this section:

(1) "Age-inappropriate sexual material" means any description or representation, in any form, of nudity, sexuality, sexual conduct, sexual excitement, or sadomasochistic abuse, that:

(A) Taken as a whole, appeals to the prurient interest of minors;

(B) Is patently offensive to prevailing standards in the adult community with respect to what is appropriate material for minors; and

(C) Taken as a whole, lacks serious literary, artistic, political, or scientific value for minors;

(2) "Geographical area" means any county or municipality in which a library is established or for which a library is established to provide library services; and

(3) "Public library" means any library that receives state or local funds under this chapter and that provides public access to age-inappropriate sexual material.

(c)

(1) Each public library shall establish a parental library review board as provided in this subsection (c).

(2) At least thirty (30) calendar days before the election of a board under this subsection (c), the governing body of the public library shall notify all qualified voters residing within the library's geographical area that an election for members of the library's parental library review board will be held at a regularly convened hearing of the county or municipality legislative body in which the majority of the library's geographical area lies. At such hearing, the local legislative body shall elect the members of the board by a majority vote. The five (5) individuals receiving the highest number of votes shall be members of the board.

(3) The board shall be composed of five (5) adult residents of the public library's geographical area. Each board member shall serve a term of two (2) years. Any vacancy shall be filled in the same manner in which the member was initially elected, except that if a member vacates the office before the end of the member's term, the vacancy shall be filled for the remainder of the unexpired term only. No member of the board shall receive any compensation for any actions related to fulfilling board duties. No member of the board shall be an employee of the library, the state, or any political subdivision thereof.

(4)

(A) The board shall determine whether any sexual material provided to the public by the public library is age-inappropriate sexual material. To make such determinations, the board shall convene public hearings at which members of the community may present concerns to the board. After receiving comments from the public, the board shall examine individual instances of the questioned sexual material to

determine whether it is age-inappropriate sexual material under this section.

(B) The board may order any material deemed to be age-inappropriate sexual material to be removed from public access by minors at the public library.

(C) Any such determination or order made by the board shall be the final determination or order on such materials, and shall not be subject to any review by the governing body of the public library, the state, or any political subdivision thereof. This subdivision (c)(4)(C) shall not be construed to prohibit judicial review of any determination or order made by the board under this section.

(d) Each public library shall, on or before June 30 of each year, verify compliance with this section on any form created by the board. After such compliance is verified, the library shall post the verification in a conspicuous place for public viewing at the library.

(e) Any public library personnel who intentionally fails to perform any duty imposed on a public library under this section, or who intentionally violates this section, commits a Class A misdemeanor subject to a fine of not more than five hundred dollars (\$500) or term of imprisonment or both.

(f) A public library will not be eligible for and shall not receive any state funds if such library allows minors to access age-inappropriate sexual materials in violation of this section.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.