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AB-1825 California Freedom to Read Act. (2023-2024)

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Assembly Bill No. 1825

CHAPTER 941

An act to add Chapter 10 (commencing with Section 19800) to Part 11 of Division 1 of Title 1 of the Education Code, relating to libraries.

[Approved by Governor September 29, 2024. Filed with Secretary of State September 29, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1825, Muratsuchi. California Freedom to Read Act.

Existing law establishes a public library system, including school libraries, unified school district and union high school district public libraries, municipal libraries, county free libraries, the California State Library, and library districts. Under existing law, the Legislature declares that the public library is, among other things, a source of information and inspiration to persons of all ages, cultural backgrounds, and economic statuses.

This bill would require every public library jurisdiction, as defined, that directly receives any state funding to establish, adopt, and maintain a written and publicly accessible collection development policy for its libraries by January 1, 2026, as specified. The bill would require the collection development policy to, among other things, (1) guide the selection and deselection of library materials, as defined, and (2) establish a process for community members to share their concerns regarding library materials and request materials be reconsidered for inclusion in the library's collection.

The bill would require the adopted policy to be sent to the State Librarian, and would authorize the State Librarian or their designee to provide technical assistance to public libraries in developing their collection development policy.

The bill would prohibit the governing board or body of a public library, or any body or commission designated to review the procurement, retention, or circulation of, or access to, library materials, from (1) proscribing the circulation or procurement of, or access to, library materials in a public library because of the topic addressed by the library materials or because of the views, ideas, or opinions contained in materials or (2) creating policies or procedures that limit or restrict access to library materials offered by the public library, except as provided. The bill would also prohibit library materials in a public library from being excluded, and access to library materials from being limited, solely on the bases of (1) specified protected characteristics of a subject of the library materials, an author of the materials, the sources of the library materials, or the perceived or intended audience for the library materials, (2) that the materials contain inclusive and diverse perspectives, or (3) that the materials may include sexual content, except as provided. The bill would provide that a person's right to use a public library and its resources shall not be denied or abridged solely because of personal characteristics, age, background, or views.

The bill would prohibit a librarian, library media specialist, other employee, or contractor at a public library from being subject to termination, demotion, discipline, or retaliation for (1) refusing to remove a library material before it has been reviewed in accordance with the public library's process for reconsideration of library materials or (2) making displays, acquisitions, or programming decisions that the employee believes, in good faith, are in accordance with the bill's provisions.

The bill would provide that these provisions apply to a public library, as defined, including any public library operated on a contractual basis, or operated by a city, including a general law or charter city, county, special district, or joint powers authority, except that these provisions do not apply to any school library, as defined, or any library operated by the governing board of a school district, a county board of education, or the governing body of a charter school. To the extent these provisions impose additional duties on public libraries, the bill would create a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 10 (commencing with Section 19800) is added to Part 11 of Division 1 of Title 1 of the Education Code, to read:

CHAPTER 10. California Freedom to Read Act

19800. This chapter shall be known, and may be cited, as the California Freedom to Read Act.

19801. The Legislature finds and declares all of the following:

- (a) Libraries are essential for information, education, and enlightenment of all people of the community the library serves.
- (b) Libraries provide access to books that offer teachable moments for readers of all ages and expand our understanding of people with different backgrounds, ideas, and beliefs.
- (c) A person's right to use a library should not be denied or abridged solely because of personal characteristics, age, background, or views.
- (d) Removing and banning books from public libraries are dangerous acts of government censorship and erode our country's commitment to freedom of expression and the right to receive information.
- (e) Librarians are professionals trained to not impose their own thoughts and opinions on which ideas are right, but to make knowledge and ideas available so that people have the freedom to choose what to read.
- (f) Librarians and library staff receive extensive professional training to develop and curate collections to meet the broad and diverse interests of their communities, which include, but are not limited to, literary value and developmental appropriateness of material.

19802. (a) (1) Every public library jurisdiction that directly receives any state funding, including, but not limited to, state funding pursuant to this part, shall establish, adopt, and maintain a written and publicly accessible collection development policy for its public libraries by January 1, 2026, and shall submit that collection development policy to the State Librarian. The State Librarian or their designee may provide technical assistance to public libraries in developing their collection development policy. The collection development policy, at a minimum, shall do all of the following:

- (A) Establish a process for community members to share their concerns regarding library materials and to request that library materials be reconsidered for inclusion in the library's collection.
- (B) Guide the selection and deselection of library materials.
- (C) Acknowledge that the public library's collection meets the broad and diverse interests of the community and respect both the library's autonomy and their specific community needs.
- (D) Establish that the public library serves as a center for voluntary inquiry and the dissemination of information and ideas.
- (E) Acknowledge that library materials should be provided for the interest, information, and enlightenment of all people, and should present diverse points of view in the collection as a whole.

(F) Acknowledge the right of the public to receive access to a range of social, political, aesthetic, moral, and other ideas and experiences.

(2) A librarian, library media specialist, other employee, or contractor at a public library shall not be subject to termination, demotion, discipline, or retaliation for either of the following:

(A) Refusing to remove a library material before it has been reviewed in accordance with the public library's process for the reconsideration of library materials established pursuant to subparagraph (A) of paragraph (1).

(B) Making displays, acquisitions, or programming decisions that the employee or contractor believes, in good faith, are in accordance with the requirements of this section.

(b) (1) The governing board or body of a public library, or any body or commission designated to review the procurement, retention, or circulation of, or access to, library materials, shall not proscribe or prohibit the circulation or procurement of, or access to, any library materials in a public library because of the topic addressed by the materials or because of the views, ideas, or opinions contained in those materials.

(2) (A) Library materials in public libraries shall not be excluded, and access to library materials shall not be limited, solely on the bases of any of the following:

(i) The race, nationality, gender identity, sexual orientation, religion, disability, political affiliation, or any other characteristic listed in subdivision (a) of Section 12940 of the Government Code, or the socioeconomic status of a subject of the library materials, an author of the library materials, the source of the library materials, or the perceived or intended audience for the library materials.

(ii) The library materials contain inclusive and diverse perspectives.

(iii) The library materials may include sexual content, unless that content qualifies as obscene under United States Supreme Court precedent.

(B) This paragraph does not apply to library materials excluded, or for which access is limited, pursuant to a library maintenance and deaccession policy.

(3) The governing board or body of a public library, or any body or commission designated to review the procurement, retention, or circulation of, or access to, library materials, shall not create policies or procedures that limit or restrict access to library materials offered by the public library unless the policies or procedures are adopted to preserve the safety or security of the library materials, are time, place, and manner restrictions not based on the content of materials, or are programs that provide for the effective management of the library and its resources to preserve access for all library users.

(c) A person's right to use a public library and its resources shall not be denied or abridged solely because of personal characteristics, age, background, or views.

(d) All people, regardless of personal characteristics, age, background, or views, possess a right to privacy and confidentiality in the materials they borrow from libraries.

(e) This section applies to a public library, as defined in Section 18015, including any public library operated on a contractual basis, or by a city, including a general law or charter city, county, special district, or joint powers authority, except that it does not apply to any school library, as defined in Section 18710, or any library operated by the governing board of a school district, a county board of education, or the governing body of a charter school.

(f) For purposes of this section, the following definitions apply:

(1) "Library materials" includes, but is not limited to, books, periodicals and serials, audio materials, audiovisual materials, instructional materials, maps, databases, government documents, records, photographs, and all other similar materials, whether in tangible or electronic form. "Library materials" does not include hardware, tools, instruments, computers, appliances, or other items that are not for the primary purpose of conveying ideas or information.

(2) "Public library jurisdiction" means a county, city and county, city, or any district that is authorized by law to provide public library services and that operates a public library described in subdivision (e).

SEC. 2. The Legislature finds and declares that ensuring public libraries are free of censorship is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 1 of this act adding Chapter 10 (commencing with Section 19800) to Part 11 of Division 1 of Title 1 of the Education Code applies to all cities, including charter cities.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.