



2025 South Dakota Legislature

House Bill 1239

SENATE ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Representative Soye**

- 1 **An Act to revise certain provisions related to the restriction of access to obscene**
2 **materials in a public library or public school library.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 22-24-55 be AMENDED:**

5 **22-24-55.** Each public school in the state shall:

- 6 (1) Equip each public access computer with software that will limit minors' ability to
7 gain access to obscene matter or materials, as defined by § 22-24-27, or purchase
8 internet connectivity from an internet service provider that provides filter services
9 to limit access to obscene materials; and
10 (2) Develop and implement, by January 1, 2025, a local policy that establishes
11 measures to restrict minors from accessing obscene matter or materials. The policy
12 must allow for an individual to appeal to the school board to determine whether
13 any matter or material is obscene. Any determination made by the school board
14 as to whether any matter or material is obscene is subject to judicial review in a
15 court of competent jurisdiction. The school board shall:
16 (a) Publish the policy on the school district's website; or
17 (b) Publish the policy annually in the legal newspaper designated by the school
18 board pursuant to § 13-8-10.

19 **Section 2. That § 22-24-56 be AMENDED:**

20 **22-24-56.** Each public library in the state shall:

- 21 (1) Equip each public access computer with software that will limit minors' ability to
22 gain access to obscene matter or material, as defined by § 22-24-27, or purchase
23 internet connectivity from an internet service provider that provides filter services
24 to limit access to obscene material; and

- 1 (2) Develop and implement, by January 1, 2025, a local policy that establishes
2 measures to restrict minors from accessing obscene matter or materials. The policy
3 must allow for an individual to appeal to the governing body of the public library,
4 as defined in § 14-2-27, to determine whether any matter or material is obscene.
5 Any determination made by the governing body as to whether any matter or
6 material is obscene is subject to judicial review in a court of competent jurisdiction.
7 The public library shall:
8 (a) Publish the policy on the official website of the political subdivision that
9 maintains the library; or
10 (b) Publish the policy annually in a legal newspaper designated by the
11 governing body of the political subdivision that maintains the library
12 pursuant to § 7-18-3 or 9-12-6.