

2025 South Dakota Legislature

House Bill 1239**AMENDMENT 1239A
FOR THE INTRODUCED BILL**

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

1 **An Act to revise certain ~~affirmative defenses to dissemination of material harmful~~**
 2 **~~to minors and obscenity offenses~~ provisions related to the restriction of**
 3 **access to obscene materials in a public library or public school library.**

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

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

6 **22-24-55.** Each public school in the state shall:

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

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

21 **22-24-56.** Each public library in the state shall:

- 22 (1) Equip each public access computer with software that will limit minors' ability to
 23 gain access to obscene matter or material, as defined by § 22-24-27, or purchase

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