



2023 South Dakota Legislature

House Bill 1163

Introduced by: **Representative Hansen**

1 **An Act to prohibit the dissemination of obscene material to minors in a public school**
 2 **or public library.**

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

4 **Section 1. That chapter 22-24 be amended with a NEW SECTION:**

5 No public school, or public library as defined in § 14-1-39, may allow obscene
 6 material to be available to minors. Each public school or library shall adopt a policy that:

7 (1) Restricts minors from viewing, accessing, or obtaining obscene material;

8 (2) Provides a method for an individual to report material the individual believes to be
 9 obscene to the governing body or an agent of the governing body; and

10 (3) Establishes a procedure for the governing body to determine if reported material
 11 is obscene.

12 If the governing body determines that material is obscene, the public school or
 13 library must use reasonable efforts to make the material inaccessible to minors, pursuant
 14 to the restriction policy as adopted under this section.

15 If the public school or library fails to adopt a policy under this section by January
 16 1, 2024, or fails to comply with the policy adopted under this section, the governing body
 17 must withhold any public funds until a policy is adopted or the public school or library uses
 18 reasonable efforts to make the material inaccessible to minors.

19 For the purposes of this section, the term, obscene material, is defined pursuant
 20 to subdivision 22-24-27(11).