

February 26, 2025

Senate Judiciary Committee
South Dakota Senate

Subject: Opposition to House Bill (HB) 1239

Dear Members of the Senate Judiciary Committee,

I am writing to respectfully express the City of Brookings and Brookings Public Library's opposition to House Bill 1239, which proposes significant changes to the affirmative defense from libraries, schools, universities, and museums, leaving librarians and teachers open to criminal charges if children inadvertently access materials meant for an older audience.

I urge you to oppose this bill, allowing efforts regarding parental rights and access to information to be handled at the local level and protecting librarians and library staff in communities like Brookings from unnecessary criminal charges brought on in the regular course of their jobs.

If enacted, HB 1239 would significantly impact the Brookings Public Library and the Brookings community by:

- **Taking away local control:** The bill eliminates the community's ability to decide what resources are appropriate for its patrons of all ages.
- **Shifting burden from parents to employees:** The bill would shift the job of parenting from parents to librarians, teachers, and museum staff who must police the use of materials available for the wide range of ages and interests in the community.
- **Limiting age-appropriate materials:** The bill would limit the ability of libraries and schools to provide age-appropriate materials to all their students and patrons, for fear of criminal charges if a minor inadvertently accesses material above their reading level.
- **Creating burden of enforcement:** The bill includes vague wording, including "harmful to minors" that is subjective and dependent not only on age but individual and family characteristics. Staff do not have the capacity to know each family's preference in order to enforce the bill, nor are they able to monitor what materials every child that enters the library handles. Allowing parents to maintain their right to decide what their child reads and watches leaves enforcement at the familial level.

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The Brookings Public Library is an essential part of our City, providing education, enrichment, and access to information for residents of all ages. The proposed changes under HB 1239 would place a disproportionate burden on local governments, forcing them to police and enforce rules that are best decided at the local level.

With the bill coming before the Senate Judiciary Committee, I respectfully ask you to vote against HB 1239 and advocate local control, parental rights, and ability of our librarians and library staff to provide access to information for all ages without fear of criminal charges. I would welcome the opportunity to discuss this issue further and appreciate your time and consideration of my concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Oepke G. Niemeyer". The signature is fluid and cursive, with a long horizontal line extending to the right.

Oepke G. Niemeyer
Mayor of Brookings