

## 2023 South Dakota Legislature

**House Bill 1163****AMENDMENT 1163A  
FOR THE INTRODUCED BILL**

1 **An Act to prohibit the dissemination of ~~obscene~~-material harmful to minors in a**  
2 **public school 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 harmful to minors to be available to minors. Each public school or library shall  
7 adopt a policy that:

8 (1) Restricts minors from viewing, accessing, or obtaining ~~obscene~~-material harmful to  
9 minors;

10 (2) Provides a method for an individual to report material the individual believes to be  
11 ~~obscene-harmful to minors~~ to the governing body or an agent of the governing  
12 body; and

13 (3) Establishes a procedure for the governing body to determine if reported material  
14 is ~~obscene harmful to minors~~.

15 If the governing body determines that material is ~~obscene harmful to minors~~, the  
16 public school or library must use reasonable efforts to make the material inaccessible to  
17 minors, pursuant to the restriction policy as adopted under this section.

18 If the public school or library fails to adopt a policy under this section by January  
19 1, 2024, or fails to comply with the policy adopted under this section, the governing body  
20 must withhold any public funds until a policy is adopted or the public school or library uses  
21 reasonable efforts to make the material inaccessible to minors.

22 For the purposes of this section, the term, ~~obscene~~-material harmful to minors, is  
23 defined pursuant to subdivision 22-24-27~~(11)~~(4).