

House File 185 - Introduced

HOUSE FILE 185

BY SALMON

A BILL FOR

1 An Act relating to the exposure of minors to, and the
2 participation of minors in, inappropriate programming
3 at public libraries and public elementary and secondary
4 schools, and providing penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 728.7, Code 2021, is amended to read as
2 follows:

3 **728.7 Exemptions for public libraries and educational**
4 **institutions.**

5 1. Nothing in **this chapter** prohibits the use of appropriate
6 material for educational purposes in any accredited school, or
7 any public library, or in any appropriate educational program
8 in which the minor is participating. Nothing in **this chapter**
9 prohibits the attendance of minors at an appropriate exhibition
10 or display of art works or the use of any appropriate materials
11 in any public library.

12 2. For purposes of this section, *"appropriate"* means the
13 material adheres to or is consistent with community standards
14 of decency with respect to what is suitable for minors to view,
15 be exposed to, or participate in viewing; the material does not
16 appeal to the prurient interest for minors; the material is
17 not patently offensive for minors; or the material has serious
18 literary, scientific, political, or artistic value for minors.

19 **Sec. 2. NEW SECTION. 728.7A Exposing a minor to**
20 **inappropriate programming — penalties.**

21 1. As used in this section:

22 *a.* *"Inappropriate"* means violating community standards of
23 decency with respect to what is suitable for minors to view,
24 be exposed to, or participate in; appealing to the prurient
25 interest for minors; is patently offensive for minors; or
26 lacking serious literary, scientific, political, or artistic
27 value for minors.

28 *b.* *"Programming"* means a live event, in person or
29 given remotely, including presentations, performances, and
30 instructional activities.

31 2. Public libraries and elementary and secondary schools
32 shall not knowingly allow a minor to be exposed to or
33 participate in inappropriate programming. A public library
34 or elementary or secondary school employee, including an
35 employee or board member of a public library or elementary or

1 secondary school acting in a supervisory role who approves of
2 and facilitates inappropriate programming, or who knowingly
3 allows a minor to be exposed to or participate in inappropriate
4 programming shall, upon conviction, be guilty of an aggravated
5 misdemeanor.

6 3. A library or public elementary or secondary school
7 that knowingly allows a minor to be exposed to or participate
8 in inappropriate programming shall be liable for a civil
9 penalty of seventy-five thousand dollars, which penalty
10 may be recovered in a court of competent jurisdiction by an
11 aggrieved parent or guardian of a minor who was exposed to
12 the inappropriate programming. The prevailing party shall be
13 awarded reasonable attorney fees and court costs.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill relates to the exposure of minors to, and the
18 participation of minors in, inappropriate programming at public
19 libraries and public elementary and secondary schools.

20 Under current law, there is no prohibition on the attendance
21 of minors at an exhibition or display of art works or the use
22 of any materials in any public library. The bill specifies
23 accredited schools and public libraries are not prohibited from
24 allowing minors to participate in an appropriate exhibition or
25 display of art works or the use of any appropriate materials
26 in any public library. The bill prohibits public libraries
27 and elementary and secondary schools from knowingly allowing
28 a minor to be exposed to or participate in inappropriate
29 programming. "Appropriate" and "inappropriate" are defined in
30 the bill.

31 A public library or elementary or secondary school
32 employee, including an employee or board member of a public
33 library or elementary or secondary school acting in a
34 supervisory role who approves and facilitates inappropriate
35 programming, or who knowingly allows a minor to be exposed

1 to or participate in inappropriate programming shall, upon
2 conviction, be guilty of an aggravated misdemeanor. An
3 aggravated misdemeanor is punishable by confinement for no more
4 than two years and a fine of at least \$855 but not more than
5 \$8,540.

6 A public library or elementary or secondary school that
7 knowingly allows a minor to be exposed to or participate
8 in inappropriate programming shall be liable for a civil
9 penalty of \$75,000, which penalty may be recovered by an
10 aggrieved parent or guardian of a minor who was exposed to
11 the inappropriate programming. The prevailing party shall be
12 awarded reasonable attorney fees and court costs.