

House File 558 - Introduced

HOUSE FILE 558
BY HAYES

A BILL FOR

1 An Act prohibiting certain materials in public libraries in
2 counties and cities, authorizing civil actions, and providing
3 civil penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 336.8, subsection 5, Code 2025, is amended
2 to read as follows:

3 5. a. To authorize the librarian to select and make
4 purchases of books, magazines, periodicals, papers, maps,
5 journals, furniture, fixtures, technology, and supplies for the
6 library district. However, the librarian shall not select or
7 make purchases of any materials with descriptions or visual
8 depictions of a sex act as defined in section 702.17 for the
9 library district.

10 b. A public librarian shall not knowingly provide obscene
11 material to a minor in a library.

12 c. A public librarian shall not knowingly provide hard-core
13 pornography to a minor in a library.

14 d. A parent or guardian of a minor alleging a violation of
15 paragraph "b" or "c" by a librarian may file a complaint with the
16 board. If thirty days have passed and the librarian continues
17 to violate paragraph "b" or "c", the parent or guardian may file
18 a complaint with a participating city council, a participating
19 board of supervisors, or both.

20 e. If complaints have been filed in accordance with paragraph
21 "d" and a librarian continues to violate paragraph "b" or "c", a
22 parent or guardian of a minor alleging a violation of paragraph
23 "b" or "c" by a librarian may bring a civil action for damages
24 and injunctive relief against the counties or cities that have
25 formed a library district that employs the librarian to prohibit
26 the librarian from continuing such violation.

27 f. If a parent or guardian is the prevailing party in a civil
28 action instituted pursuant to paragraph "e", all of the following
29 shall apply:

30 (1) The court shall award reasonable attorney fees to the
31 parent or guardian.

32 (2) The court shall assess a civil penalty against the
33 counties or cities that have formed a library district that
34 employs the librarian of not less than five thousand dollars
35 plus an additional five hundred dollars per day for each day

1 a violation occurs during the pendency of the civil action.
2 However, the court shall not assess the additional civil penalty
3 provided in this subparagraph if the counties or cities that have
4 formed a library district that employs the librarian remove the
5 obscene material from the library during the pendency of the
6 civil action. Moneys collected from the assessment of the civil
7 penalty provided in this subparagraph shall be remitted to the
8 treasurer of state for deposit in the general fund of the state.

9 (3) In the case of a violation of paragraph "b", the court
10 shall order the counties or cities that have formed a library
11 district that employs the librarian to pay not less than ten
12 thousand dollars in damages to the parent or guardian.

13 (4) In the case of a violation of paragraph "c", the court
14 shall order the counties or cities that have formed a library
15 district that employs the librarian to pay not less than twenty
16 thousand dollars in damages to the parent or guardian.

17 (5) The clerk of court shall send a copy of the court's
18 order issued as a result of a complaint instituted pursuant to
19 paragraph "e" and a copy of this section by restricted certified
20 mail, return receipt requested, to the attorney general and the
21 county attorneys of the counties or cities that have formed a
22 library district that employs the librarian that has violated
23 paragraph "b" or "c".

24 g. A parent or guardian who was the prevailing party in a
25 civil action instituted pursuant to paragraph "e" may bring a
26 civil action for damages against the counties or cities that
27 have formed a library district that employs the librarian if
28 the librarian violates an injunction issued pursuant to paragraph
29 "e". Damages awarded pursuant to this paragraph shall include
30 all of the following:

31 (1) Actual damages for injuries resulting from the
32 librarian's initial violation of paragraph "b" or "c" and the
33 librarian's violation of the injunction.

34 (2) A penalty in an amount determined by the court, but not
35 less than twenty thousand dollars plus an additional one thousand

1 dollars per day for each day the librarian's violation of the
2 injunction continues.

3 h. A county attorney or the attorney general may institute
4 civil actions to enforce the provisions of this subsection. A
5 county attorney's or the attorney general's receipt of a copy of
6 a court's injunctive order provided by the clerk of court issued
7 as a result of a complaint instituted pursuant to paragraph "e",
8 along with subsequent information that a violation of paragraph
9 "b" or "c" is continuing to occur, shall constitute probable
10 cause that a violation of paragraph "b" or "c" has occurred.

11 Sec. 2. Section 364.3, Code 2025, is amended by adding the
12 following new subsection:

13 NEW SUBSECTION. 20. a. A city or a librarian of a city
14 library shall not select or make purchases of any materials for a
15 city library with descriptions or visual depictions of a sex act
16 as defined in section 702.17. If a library board functions in
17 accordance with section 392.5, this subsection is also applicable
18 to the library board.

19 b. A librarian of a city library shall not knowingly provide
20 obscene material to a minor in a public library.

21 c. A librarian of a city library shall not knowingly provide
22 hard-core pornography to a minor in a public library.

23 d. A parent or guardian of a minor alleging a violation of
24 paragraph "b" or "c" by a librarian may file a complaint with
25 a library board functioning in accordance with section 392.5 or
26 the city council. If thirty days have passed and the librarian
27 continues to violate paragraph "b" or "c", the parent or guardian
28 may file a complaint with the city council.

29 e. If complaints have been filed in accordance with paragraph
30 "d" and a librarian continues to violate paragraph "b" or "c", a
31 parent or guardian of a minor alleging a violation of paragraph
32 "b" or "c" by a librarian may bring a civil action for damages
33 and injunctive relief against the library board if one is
34 functioning in accordance with section 392.5 or the city that
35 employs the librarian to prohibit the librarian from continuing

1 such violation.

2 *f.* If a parent or guardian is the prevailing party in a civil
3 action instituted pursuant to paragraph "e", all of the following
4 shall apply:

5 (1) The court shall award reasonable attorney fees to the
6 parent or guardian.

7 (2) The court shall assess a civil penalty against the city
8 that employs the librarian of not less than five thousand dollars
9 plus an additional five hundred dollars per day for each day
10 a violation occurs during the pendency of the civil action.

11 However, the court shall not assess the additional civil penalty
12 provided in this subparagraph if the city that employs the
13 librarian removes the obscene material from the library during
14 the pendency of the civil action. Moneys collected from the
15 assessment of the civil penalty provided in this subparagraph
16 shall be remitted to the treasurer of state for deposit in the
17 general fund of the state.

18 (3) In the case of a violation of paragraph "b", the court
19 shall order the city that employs the librarian to pay not less
20 than ten thousand dollars in damages to the parent or guardian.

21 (4) In the case of a violation of paragraph "c", the court
22 shall order the city that employs the librarian to pay not
23 less than twenty thousand dollars in damages to the parent or
24 guardian.

25 (5) The clerk of court shall send a copy of the court's
26 order issued as a result of a complaint instituted pursuant to
27 paragraph "e" and a copy of this section by restricted certified
28 mail, return receipt requested, to the attorney general and the
29 county attorney of the county in which the city that employs the
30 librarian that has violated paragraph "b" or "c" is located.

31 *g.* A parent or guardian who was the prevailing party in
32 a civil action instituted pursuant to paragraph "d" may bring
33 a civil action for damages against the city that employs the
34 librarian if the librarian violates an injunction issued pursuant
35 to paragraph "e". Damages awarded pursuant to this paragraph

1 shall include all of the following:

2 (1) Actual damages for injuries resulting from the
3 librarian's initial violation of paragraph "b" or "c" and the
4 librarian's violation of the injunction.

5 (2) A penalty in an amount determined by the court, but not
6 less than twenty thousand dollars plus an additional one thousand
7 dollars per day for each day the librarian's violation of the
8 injunction continues.

9 h. A county attorney or the attorney general may institute
10 civil actions to enforce the provisions of this subsection. A
11 county attorney's or the attorney general's receipt of a copy of
12 a court's injunctive order provided by the clerk of court issued
13 as a result of a complaint instituted pursuant to paragraph "e",
14 along with subsequent information that a violation of paragraph
15 "b" or "c" is continuing to occur, shall constitute probable
16 cause that a violation of paragraph "b" or "c" has occurred.

17 EXPLANATION

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

20 This bill prohibits materials with descriptions or visual
21 depictions of a sex act as defined in Code section 702.17 from
22 being accessible to minors in county or city public libraries.
23 Under the bill, a city, a city library board, a library
24 district, or a city librarian or library district librarian is
25 prohibited from selecting or making purchases of any materials
26 with descriptions or visual depictions of a sex act as defined in
27 Code section 702.17 for the public library.

28 The bill provides that a public librarian for a city or a
29 library district shall not knowingly provide obscene material or
30 hard-core pornography to a minor in a public library. A parent
31 or guardian of a minor alleging that a librarian has knowingly
32 provided either of those materials to a minor may file a
33 complaint with the appropriate library board or library district.
34 If 30 days have passed and the public librarian continues to
35 violate the bill, the parent or guardian may file a complaint

1 with the applicable city council or board of supervisors.

2 After filing complaints with the library board or library
3 district and the city council or board of supervisors and after
4 30 days have passed, if the public librarian continues to violate
5 the bill, the parent or guardian may bring a civil action for
6 damages and injunctive relief against the city or any combination
7 of cities and counties of a library district that employs the
8 librarian.

9 The bill provides that if a parent or guardian is the
10 prevailing party in the civil action, the court shall award
11 reasonable attorney fees and assess a civil penalty against the
12 municipal entity responsible for employing the librarian of not
13 less than \$5,000 plus an additional \$500 per day for each day
14 a violation occurs during the pendency of the civil action.
15 If the obscene material is removed from the library during the
16 pendency of the civil action, the additional \$500 per day is not
17 assessed. The bill requires moneys collected from the assessment
18 of the civil penalty to be remitted to the treasurer of state for
19 deposit in the general fund of the state. The bill provides that
20 if the librarian's violation relates to obscene material, the
21 court is required to order the municipal entity responsible for
22 employing the librarian to pay not less than \$10,000 in damages
23 to the parent or guardian. The bill also provides that if
24 the librarian's violation relates to hard-core pornography, the
25 court is required to order the municipal entity responsible for
26 employing the librarian to pay not less than \$20,000 in damages
27 to the parent or guardian.

28 The bill provides that if a parent or guardian is the
29 prevailing party in the civil action, the clerk of court shall
30 send a copy of the court's order and a copy of the bill's
31 provision by certified mail to the attorney general and the
32 county attorney of the applicable county of the municipal entity
33 responsible for employing the librarian who violated the bill's
34 provisions.

35 The bill provides that a parent or guardian who was the

1 prevailing party in the civil action may bring a civil action for
2 damages against the municipal entity that employs the librarian
3 if the librarian continues to violate the injunction. The
4 bill also provides that if the parent or guardian is the
5 prevailing party in the proceedings, the court shall award the
6 parent or guardian actual damages for injuries resulting from
7 the librarian's initial violation of knowingly providing obscene
8 material or hard-core pornography to a minor in a public library
9 and for violating the injunction and a civil penalty of not less
10 than \$20,000 plus an additional \$1,000 per day for each day the
11 librarian's violation of the injunction continues.

12 Code section 728.6 authorizes a county attorney to institute
13 a civil proceeding to enjoin the dissemination or exhibition
14 of obscene material to minors when the county attorney has
15 reasonable cause to believe that any person is engaged or
16 plans to engage in the dissemination or exhibition of obscene
17 material within the county attorney's county to minors. The
18 bill authorizes the attorney general to also institute such
19 civil proceedings. A county attorney's or the attorney general's
20 receipt of a copy of a court's injunctive order provided by the
21 clerk of court along with subsequent information that a violation
22 is continuing to occur shall constitute probable cause that a
23 violation of knowingly providing obscene material or hard-core
24 pornography to a minor in a public library has occurred.