

AMENDED IN SENATE JULY 3, 2024
AMENDED IN SENATE JUNE 18, 2024
AMENDED IN ASSEMBLY MAY 16, 2024
AMENDED IN ASSEMBLY APRIL 29, 2024
AMENDED IN ASSEMBLY APRIL 1, 2024
AMENDED IN ASSEMBLY MARCH 21, 2024
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1825

Introduced by Assembly Member Muratsuchi
(Principal coauthor: Assembly Member Ward)
(Principal coauthors: Senators Eggman and Min)
(Coauthor: Assembly Member Addis)

January 11, 2024

An act to add Chapter 10 (commencing with Section 19800) to Part 11 of Division 1 of Title 1 of the Education Code, relating to libraries.

LEGISLATIVE COUNSEL’S DIGEST

AB 1825, as amended, Muratsuchi. California Freedom to Read Act. Existing law establishes a public library system, including school libraries, unified school district and union high school district public libraries, municipal libraries, county free libraries, the California State Library, and library districts. Under existing law, the Legislature declares that the public library is, among other things, a source of information and inspiration to persons of all ages, cultural backgrounds, and economic statuses.

This bill would require each public library jurisdiction, as defined, that directly receives any state funding to establish, adopt, and maintain a written and publicly accessible collection development policy for its libraries by January 1, 2026, as specified. The bill would require the collection development policy to, among other things, (1) *guide the selection and deselection of library materials, as defined, and* (2) establish a process for community members to share their concerns regarding library materials and request materials be reconsidered for inclusion in the library's collection and ~~(2) establish that library materials shall not be excluded because of the origin, background, or views of those contributing to the creation of the materials, or because of the topic addressed by the materials or the views or opinions expressed in the materials.~~ *collection.*

The bill would require the adopted policy to be sent to the State Librarian, and would authorize the State Librarian or their designee to provide technical assistance to public libraries in developing their collection development policy in order to ensure compliance with the bill's provisions.

The bill would prohibit the governing board or body of a public library ~~library, or any body or commission designated to review the procurement, retention, or circulation of, or access to, library materials, from~~ (1) proscribing the circulation or procurement of books or other resources of, or access to, library materials in a public library because of the topic addressed by the library materials or because of the views, ideas, or opinions contained in those materials. ~~materials or~~ (2) *creating policies or procedures that limit or restrict access to library materials offered by the public library, except as provided.* The bill would also prohibit library materials in a public library from exercising the discretion to determine the content of library materials in a manner that ~~discriminates against or excludes materials based on being excluded, and access to library materials from being limited, solely on the bases of~~ (1) specified protected characteristics, ~~on the basis~~ characteristics of a subject of the library materials, an author of the materials, the sources of the library materials, or the perceived or intended audience for the library materials, (2) that the materials contain inclusive and diverse perspectives, or ~~on the basis~~ (3) that the materials may include sexual content, *except as provided.* The bill would provide that a person's right to use a public library and its resources shall not be denied or abridged solely because of personal characteristics, age, background, or views.

The bill would prohibit a librarian, library media specialist, other employee, or contractor at a public library from being subject to termination, demotion, discipline, or retaliation for (1) refusing to remove a library material before it has been reviewed in accordance with the public library's process for reconsideration of library materials or (2) making displays, acquisitions, or programming decisions that the employee believes, in good faith, are in accordance with the bill's provisions.

The bill would provide that these provisions apply to a public library, as defined, including any public library operated on a contractual basis, or operated by a city, including a general law or charter city, county, special district, or joint powers authority, except that these provisions do not apply to any school library, as defined, or any library operated by the governing board of a school district, a county board of education, or the governing body of a charter school. To the extent these provisions impose additional duties on public libraries, the bill would create a state-mandated local program.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 10 (commencing with Section 19800)
2 is added to Part 11 of Division 1 of Title 1 of the Education Code,
3 to read:

4
5 CHAPTER 10. CALIFORNIA FREEDOM TO READ ACT

6
7 19800. This chapter shall be known, and may be cited, as the
8 California Freedom to Read Act.

1 19801. The Legislature finds and declares all of the following:

2 (a) Libraries are essential for information, education, and
3 enlightenment of all people of the community the library serves.

4 (b) Libraries provide access to books that offer teachable
5 moments for readers of all ages and expand our understanding of
6 people with different backgrounds, ideas, and beliefs.

7 (c) A person's right to use a library should not be denied or
8 abridged solely because of personal characteristics, age,
9 background, or views.

10 (d) Removing and banning books from public libraries are
11 dangerous acts of government censorship and erode our country's
12 commitment to freedom of expression and the right to receive
13 information.

14 (e) Librarians are professionals trained to not impose their own
15 thoughts and opinions on which ideas are right, but to make
16 knowledge and ideas available so that people have the freedom to
17 choose what to read.

18 (f) Librarians and library staff receive extensive professional
19 training to develop and curate collections to meet the broad and
20 diverse interests of their communities, which include, but are not
21 limited to, literary value and developmental appropriateness of
22 material.

23 19802. (a) (1) Each public library jurisdiction that directly
24 receives any state funding, including, but not limited to, state
25 funding pursuant to this part, shall establish, adopt, and maintain
26 a written and publicly accessible collection development policy
27 for its public libraries by January 1, 2026, and shall submit that
28 collection development policy to the State Librarian. The State
29 Librarian or their designee may provide technical assistance to
30 public libraries in developing their collection development policy
31 in order to ensure compliance with the requirements of this section.
32 The collection development policy, at a minimum, shall do all of
33 the following:

34 (A) Establish a process for community members to share their
35 concerns regarding library materials and to request that library
36 materials be reconsidered for inclusion in the library's collection.

37 (B) Guide the selection and deselection of ~~printed and electronic~~
38 ~~resources.~~ *library materials.*

1 (C) Acknowledge that the public library's collection meets the
2 broad and diverse interests of the community and respect both the
3 library's autonomy and their specific community needs.

4 (D) Establish that the public library serves as a center for
5 voluntary inquiry and the dissemination of information and ideas.

6 ~~(E) Establish that library materials shall not be excluded from~~
7 ~~the library collection because of the origin, background, or views~~
8 ~~of those contributing to the creation of the materials, or because~~
9 ~~of the topic addressed by the materials or the views or opinions~~
10 ~~expressed in the materials.~~

11 ~~(F)~~
12 (E) Acknowledge that library materials should be provided for
13 the interest, information, and enlightenment of all people, and
14 should present diverse points of view in the collection as a whole.

15 ~~(G)~~
16 (F) Acknowledge the right of the public to receive access to a
17 range of social, political, aesthetic, moral, and other ideas and
18 experiences.

19 (2) A librarian, library media specialist, other employee, or
20 contractor at a public library shall not be subject to termination,
21 demotion, discipline, or retaliation for either of the following:

22 (A) Refusing to remove a library material before it has been
23 reviewed in accordance with the public library's process for the
24 reconsideration of library materials established pursuant to
25 subparagraph (A) of paragraph (1).

26 (B) Making displays, acquisitions, or programming decisions
27 that the employee or contractor believes, in good faith, are in
28 accordance with the requirements of this section.

29 (b) (1) The governing board or body of a public library, library,
30 or any body or commission designated to review the procurement,
31 retention, or circulation of, or access to, library materials, shall
32 not proscribe or prohibit the circulation or procurement of any
33 book, audio, film, instructional material, or other resource of, or
34 access to, any library materials in a public library because of the
35 topic addressed by the materials or because of the views, ideas, or
36 opinions contained in those materials.

37 (2) ~~The discretion to determine the content of (A) Library~~
38 ~~materials in public libraries shall not be exercised in a manner that~~
39 ~~discriminates against or excludes materials based on race, excluded,~~

1 *and access to library materials shall not be limited, solely on the*
2 *bases of any of the following:*

3 (i) *The race, nationality, gender identity, sexual orientation,*
4 *religion, disability, political affiliation, or any other characteristic*
5 *listed in subdivision (a) of Section 12940 of the Government Code,*
6 *or the socioeconomic status, on the basis that the materials under*
7 *consideration status of a subject of the library materials, an author*
8 *of the library materials, the source of the library materials, or the*
9 *perceived or intended audience for the library materials.*

10 (ii) *The library materials contain inclusive and diverse*
11 *perspectives, or on the basis that the perspectives.*

12 (iii) *The library materials may include sexual content, unless*
13 *that content qualifies as obscene under United States Supreme*
14 *Court precedent.*

15 ~~(3) Any decision by a public library to remove a book shall~~
16 ~~conform to the requirements of the First Amendment to the United~~
17 ~~States Constitution and Section 2 of Article I of the California~~
18 ~~Constitution.~~

19 (B) *This paragraph does not apply to library materials excluded,*
20 *or for which access is limited, pursuant to a library maintenance*
21 *and deaccession policy.*

22 ~~(4)~~
23 (3) *The governing board or body of a public library, or*
24 *any body or commission designated to review the procurement,*
25 *retention, or circulation of, or access to, library materials, shall*
26 *not create policies or procedures that limit or restrict access to*
27 *books and other resources library materials offered by the public*
28 *library unless the policies or procedures are adopted to preserve*
29 *the safety or security of the library's library materials, are time,*
30 *place, and manner restrictions not based on the content of materials,*
31 *or are programs that provide for the effective management of the*
32 *library and its resources to preserve access for all library users.*

33 (c) *A person's right to use a public library and its resources*
34 *shall not be denied or abridged solely because of personal*
35 *characteristics, age, background, or views.*

36 (d) *All people, regardless of personal characteristics, age,*
37 *background, or views, possess a right to privacy and confidentiality*
38 *in the materials they borrow from libraries.*

39 (e) *This section applies to a public library, as defined in Section*
40 *18015, including any public library operated on a contractual basis,*

1 or by a city, including a general law or charter city, county, special
2 district, or joint powers authority, except that it does not apply to
3 any school library, as defined in Section 18710, or any library
4 operated by the governing board of a school district, a county board
5 of education, or the governing body of a charter school.

6 (f) For purposes of this section, ~~public~~ *the following definitions*
7 *apply:*

8 (1) *“Library materials” includes, but is not limited to, books,*
9 *periodicals and serials, audio materials, audiovisual materials,*
10 *instructional materials, maps, databases, government documents,*
11 *records, photographs, and all other similar materials, whether in*
12 *tangible or electronic form. “Library materials” does not include*
13 *hardware, tools, instruments, computers, appliances, or other*
14 *items that are not for the primary purpose of conveying ideas or*
15 *information.*

16 (2) *“Public library jurisdiction” means a county, city and county,*
17 *city, or any district that is authorized by law to provide public*
18 *library services and that operates a public library described in*
19 *subdivision (e).*

20 SEC. 2. The Legislature finds and declares that ensuring public
21 libraries are free of censorship is a matter of statewide concern
22 and is not a municipal affair as that term is used in Section 5 of
23 Article XI of the California Constitution. Therefore, Section 1 of
24 this act adding Chapter 10 (commencing with Section 19800) to
25 Part 11 of Division 1 of Title 1 of the Education Code applies to
26 all cities, including charter cities.

27 SEC. 3. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.