

25.376.15 100th Legislative Session 1239



2025 South Dakota Legislature

House Bill 1239**ENROLLED**

AN ACT

ENTITLED An Act to revise certain provisions related to the restriction of access to obscene materials in a public library or public school library.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 22-24-55 be AMENDED:

22-24-55. Each public school in the state shall:

- (1) Equip each public access computer with software that will limit minors' ability to gain access to obscene matter or materials, as defined by § 22-24-27, or purchase internet connectivity from an internet service provider that provides filter services to limit access to obscene materials; and
- (2) Develop and implement, by January 1, 2025, a local policy that establishes measures to restrict minors from accessing obscene matter or materials. The policy must allow for an individual to appeal to the school board to determine whether any matter or material is obscene. Any determination made by the school board as to whether any matter or material is obscene is subject to judicial review in a court of competent jurisdiction. The school board shall:
 - (a) Publish the policy on the school district's website; or
 - (b) Publish the policy annually in the legal newspaper designated by the school board pursuant to § 13-8-10.

Section 2. That § 22-24-56 be AMENDED:

22-24-56. Each public library in the state shall:

- (1) Equip each public access computer with software that will limit minors' ability to gain access to obscene matter or material, as defined by § 22-24-27, or purchase internet connectivity from an internet service provider that provides filter services to limit access to obscene material; and
- (2) Develop and implement, by January 1, 2025, a local policy that establishes measures to restrict minors from accessing obscene matter or materials. The policy must allow for an individual to appeal to the governing body of the public library, as defined in § 14-2-27, to determine whether any matter or material is obscene. Any determination made by the governing body as to whether any matter or material is obscene is subject to judicial review in a court of competent jurisdiction. The public library shall:
 - (a) Publish the policy on the official website of the political subdivision that maintains the library; or
 - (b) Publish the policy annually in a legal newspaper designated by the governing body of the political subdivision that maintains the library pursuant to § 7-18-3 or 9-12-6.

An Act to revise certain provisions related to the restriction of access to obscene materials in a public library or public school library.

I certify that the _____ Received at the
 attached Act originated in the: _____ Executive Office
 House as Bill No. [1239](#) this _____ day of _____,
 Chief Clerk _____ 2025 at _____ M.

 _____ Speaker of the By
 House for the Governor

Attest: _____ The attached Act
 Chief Clerk hereby
 President of the Senate approved this _____ day of
 Attest: _____, A.D., 2025

Secretary of the Senate
 House Bill No. [1239](#) _____ Governor

File No. _____ **STATE OF SOUT**

Chapter No. _____ **DAKOTA,**

ss.
 Office of the Secretary of State
 Filed _____, 2025
 at _____ o'clock ____ M.
 Secretary of State
 By
 Asst. Secretary of State