

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 397

By: Hamilton

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6 AS INTRODUCED

7 An Act relating to schools; directing school
8 districts, charter schools, and public libraries
9 beginning on certain date to conduct certain
10 inventory; directing designation of print and
11 nonprint materials and media; directing school
12 districts and charter schools beginning on certain
13 date to only include certain materials and media with
14 certain designations in certain school libraries;
15 allowing students access to certain materials and
16 media only with certain written consent; directing
17 public libraries beginning on certain date to place
18 materials and media with certain designation in
19 certain section; allowing certain individuals access
20 to certain materials and media only with certain
21 written consent; prohibiting school district, charter
22 school, and public libraries beginning on certain
23 date from including materials and media with certain
24 content; providing for codification; providing an
effective date; and declaring an emergency.

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19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 11-203 of Title 70, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Beginning July 1, 2023, school districts, charter schools,
24 and public libraries shall conduct an inventory of print and
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1 nonprint materials and media located in their libraries. Print and
2 nonprint materials and media shall be designated with one of the
3 following ratings:

4 1. "Elementary" means the content of the print or nonprint
5 material or media is suitable for children enrolled in grades pre-
6 kindergarten through five in this state;

7 2. "Junior high" means the content of the print or nonprint
8 material or media may not include material unsuitable for a child
9 enrolled in grades six, seven, and eight in this state, and parents
10 and legal guardians are encouraged to provide guidance to their
11 children in selecting print and nonprint materials and media rated
12 "junior high";

13 3. "Under 16" means the content of the print or nonprint
14 materials or media may not include material inappropriate for
15 children under the age of sixteen (16), and parents and legal
16 guardians are urged to provide guidance to their children in
17 selecting print and nonprint materials and media rated "under 16";
18 and

19 4. "Juniors and seniors" means the content of the print or
20 nonprint material or media may include some material not suitable
21 for minors.

22 B. Beginning July 1, 2024, school districts and charter schools
23 shall:

1 1. Include only print and nonprint materials and media
2 designated as "elementary" in elementary school libraries serving
3 students in grades pre-kindergarten through five;

4 2. Include only print and nonprint materials and media
5 designated as "elementary" or "junior high" in elementary school
6 libraries that serve students in grades pre-kindergarten through
7 eight;

8 3. Include only print and nonprint materials and media
9 designated as "elementary", "junior high", or "under 16" in junior
10 high school and high school libraries; and

11 4. Place print and nonprint materials and media designated as
12 "juniors and seniors" in a section of the library accessible only to
13 librarians, teachers, and other school staff. Print and nonprint
14 materials and media designated as "juniors and seniors" shall only
15 be available to a student if he or she has presented a librarian,
16 teacher, or other school staff with written consent from a parent or
17 legal guardian.

18 C. Beginning July 1, 2024, public libraries shall place print
19 and nonprint materials and media designated as "juniors and seniors"
20 in a section of the library accessible only to library staff. Print
21 and nonprint materials and media designated as "juniors and seniors"
22 shall only be available to an individual under the age of eighteen
23 (18) if he or she has presented library staff with written consent
24 from a parent or legal guardian.

1 D. Beginning July 1, 2024, no print or nonprint material or
2 media in a school district library, charter school library, or
3 public library shall include content that the average person age
4 eighteen (18) or older applying contemporary community standards
5 would find has a predominant tendency to appeal to a prurient
6 interest in sex.

7 SECTION 2. This act shall become effective July 1, 2023.

8 SECTION 3. It being immediately necessary for the preservation
9 of the public peace, health, or safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

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