

Date of Hearing: April 10, 2024

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 1825 (Muratsuchi) – As Amended April 1, 2024

SUBJECT: California Freedom to Read Act

SUMMARY: Requires the governing board or body of each public library in the state to establish a written policy for the selection of library materials and the use of library materials and facilities, and prohibits the governing board or body of a public library from proscribing or prohibiting the circulation of any materials in a public library because of the topic addressed by the materials or because of the views, ideas, or opinions contained in those materials.

Specifically, **this bill:**

- 1) Requires the governing board or body of each public library in the state, including any library operated on a contractual basis for a public entity, to establish a written policy for the selection of library materials and the use of library materials and facilities. Requires this policy at a minimum to:
 - a) Establish that the public library serves as a center for voluntary inquiry and the dissemination of information and ideas;
 - b) Establish that library materials shall not be excluded from the library collection because of the origin, background, or views of those contributing to its creation, or because of the topic addressed by the materials or the views or opinions expressed in the work;
 - c) Acknowledge that library material should be provided for the interest, information, and enlightenment of all people, and should present diverse points of view in the collection as a whole; and
 - d) Acknowledge the right of the public to receive access to a range of social, political, aesthetic, moral, and other ideas and experiences.
- 2) States that written policies established in accordance with and acknowledging the American Library Association's (ALA) Library Bill of Rights and its interpretations shall be deemed in compliance with these requirements.
- 3) Prohibits the governing board or body of a public library from proscribing or prohibiting the circulation or procurement of any book, audio, film, instructional material, or other resource in a public library because of the topic addressed by the materials or because of the views, ideas, or opinions contained in those materials.
- 4) Prohibits the exercise of discretion to determine the content of materials in public libraries in a manner that discriminates against or excludes materials based on race, nationality, gender identity, sexual orientation, religion, disability, political affiliation, or socioeconomic status, or on the basis that the materials under consideration contain inclusive and diverse perspectives, or on the basis that the materials may include sexual content, unless that content qualifies as obscene under Supreme Court precedent.

- 5) Requires that any decision by a public library to remove a book conforms to the requirements of the First Amendment to the United States Constitution and Section 2 of Article I of the California Constitution.
- 6) Prohibits the governing board or body of a public library from creating policies or procedures that limit or restrict access to books and other resources offered by the public library unless adopted to preserve the safety or security of the library's materials, or are time, place and manner restrictions not based on the content of materials or programs that provide for the effective management of the library and its resources that preserves access for all library users.
- 7) States 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.
- 8) States that all people, regardless of personal characteristics, age, background, or views, possess a right to privacy and confidentiality in their use of a public library.
- 9) Authorizes a user of the library at the time that the library took an action or is continuing to take an action in violation of this section may commence a civil action to obtain appropriate injunctive and declaratory relief as determined by the court.

EXISTING LAW:

- 1) Defines a public library to mean a library, or two or more libraries, operated as a single entity by one or more public jurisdictions and which serve the general public without distinction. (Education Code (EC) 18015)
- 2) Authorizes the organization of a library district, and authorizes it to establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature and exercise the powers as granted or necessarily implied. (EC 19400)
- 3) The board of library trustees shall make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the library under its management, and all property belonging to the district. (EC 19460)
- 4) Permits the governing board of any school district to exclude from schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character. (EC 18111)
- 5) States that every library shall be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees. States that, for violation of any rule, regulation, or bylaw, a person may be fined or excluded from the privileges of the library. (EC 19479)
- 6) Requires the governing board of each school district to provide school library services for the pupils and teachers of the district by establishing and maintaining school libraries or by contractual arrangements with another public agency. (EC 18100)

- 7) Establishes the California State Library, under the direction of the State Librarian, and lists among the responsibilities of the office to purchase and maintain materials and equipment as necessary to carry out California State Library programs and services consistent with well-established library standards. (EC 19300-19328)

FISCAL EFFECT: This bill has been keyed a possible state-mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. The author states, “Libraries provide access to books that offer teachable moments for readers of all ages and expand our understanding of people with different backgrounds, ideas, and beliefs. Removing and banning books from public libraries is a dangerous step to government censorship and the erosion of our country’s commitment to freedom of expression. AB 1825, the California Freedom to Read Act, protects the fundamental right of access to diverse and inclusive books and library materials.”

Current national book banning rate highest ever recorded. Since the earliest days of public library history, libraries have experienced pressure to censor materials. Research indicates that recurring themes in book bans reflect major societal issues, including race/ethnicity, sexuality, religion, politics, sexual orientation, and gender identity. (Steele, 2020)

The ALA compiles data on book challenges in public libraries and school libraries based on reports from library professionals, and from published news stories. The ALA notes that because many book challenges are not reported or covered by the press, their data represents a snapshot of book censorship.

According to the ALA's Office for Intellectual Freedom (OIF), challenges of unique titles in the U.S increased 65% in 2023 over 2022, reaching the highest level ever documented by the ALA.

The OIF documented 4,240 unique book titles targeted for censorship, as well as 1,247 demands to censor library books, materials, and resources in 2023. The OIF notes four key trends:

- Pressure groups in 2023 focused on public libraries in addition to targeting school libraries. The number of titles targeted for censorship at public libraries increased by 92% over the previous year, accounting for about 46% of all book challenges in 2023; school libraries saw an 11% increase over 2022 numbers.
- Groups and individuals demanding the censorship of multiple titles, often dozens or hundreds at a time, drove this surge.
- Titles representing the voices and lived experiences of LGBTQIA+ and Black, indigenous, people of color (BIPOC) individuals made up 47% of those targeted in censorship attempts.
- There were attempts to censor more than 100 titles in each of these 17 states: Colorado, Connecticut, Florida, Idaho, Illinois, Iowa, Kentucky, Maryland, Missouri, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Wisconsin.

The ALA reported that in California in 2023, there were 52 challenges to 98 titles in public libraries and school libraries. In 2022, there were 32 attempts to ban 87 titles.

American Library Association's Library Bill of Rights. This bill requires the governing board or body of each public library to establish a written policy for the selection of library materials and the use of library materials and facilities. It states that a policy established in accordance with and acknowledging the ALA's Library Bill of Rights and its interpretations shall be deemed in compliance with these requirements.

According to the ALA, the ALA's Library Bill of Rights was crafted in times of looming censorship and privacy threats. First drafted in 1938, this document was a response to the "growing intolerance, suppression of free speech and censorship affecting the rights of minorities and individuals." One year later, the revised document was adopted by the ALA. The Library Bill of Rights has since been revised to include topics such as book banning, race and gender discrimination, and exhibit spaces. Based on the First Amendment, it is intended to guide librarians in serving their communities and protecting the rights of all library patrons. The ALA Library Bill of Rights reads as follows:

The ALA affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services:

- 1) Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- 2) Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- 3) Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- 4) Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- 5) A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- 6) Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
- 7) All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

The ALA notes that, though the educational level and program of the school necessarily shapes the resources and services of a school library, the principles of the Library Bill of Rights apply equally to all libraries, including school libraries.

The “interpretations” of the ALA Library Bill of Rights refer to statements concerning the application of the principles to specific library practices. These interpretations cover the following topics:

- Access to Digital Resources and Services
- Access to Library Resources and Services for Minors
- Access to Library Resources and Services Regardless of Sex, Gender Identity, Gender Expression, or Sexual Orientation
- Access to Resources and Services in the School Library
- Challenged Resources
- Diverse Collections
- Economic Barriers to Information Access
- Education and Information Literacy
- Equity, Diversity, Inclusion
- Evaluating Library Collections
- Expurgation of Library Materials
- Internet Filtering
- Intellectual Freedom Principles for Academic Libraries
- Labeling Systems
- Library-Initiated Programs and Displays as a Resource
- Meeting Rooms
- Minors and Online Activity
- Politics in American Libraries
- Prisoners' Right to Read
- Privacy
- Rating Systems
- Religion in American Libraries
- Restricted Access to Library Materials
- Services to People with Disabilities
- Universal Right to Free Expression
- User-Generated Content in Library Discovery Systems
- User-Initiated Exhibits, Displays, and Bulletin Boards
- Visual and Performing Arts in Libraries

What is a book challenge? According to the ALA, a book challenge is an attempt to remove or restrict access to materials or services based upon the objections of a person or group:

A challenge to a title may result in access to it being retained, restricted, or withdrawn entirely. Restrictions on access may include relocating the book to a section of the library intended for an older age group than the book is intended for, labeling it with a prejudicial content warning or rating, taking it out of the online catalog so it has to be requested from a staff member, removing it from open and freely browsable stacks, or requiring parental permission to check it out.

A formal challenge leads to the reconsideration of the decision to purchase the material or offer the service. This process is governed by a board-approved policy and includes review of the material as a whole to assess if it is aligned with the library or school's mission and meets the criteria delineated in its selection, display, or programming policy (as applicable).

A book is banned when it is entirely removed from a collection in response to a formal or informal challenge. Any reduction in access to library materials based on an individual or group's belief that they are harmful or offensive is an act of censorship.

The ALA notes that it does not consider the “weeding” of an item based on criteria defined in a library or school district's policy to be a ban, nor is a temporary reduction in access resulting from the need to review materials considered a ban.

Arguments in support. ACLU California Action writes, “Libraries play a special role in the public’s civic education and the free exchange of diverse ideas and information. Over the past year, more than 3,000 books have been banned in libraries across America. These books disproportionately feature stories about LGBTQ+ communities, people of color, and historically marginalized communities. Book bans to this effect are not only discriminatory – they are a violation of people’s First Amendment right to access information.”

Related legislation. AB 1078 (Jackson), Chapter 229, Statutes of 2023, makes various changes to the adoption of instructional materials for use in schools, including a provision that would prohibit a governing board from disallowing the use of an existing textbook, other instructional material, or curriculum that contains inclusive and diverse perspectives, as specified.

AB 535 (Irwin), of the 2023-24 Session would have required the Superintendent of Public Instruction (SPI) to select an applicant county office of education to serve as a Statewide School Library Lead to work collaboratively with the California Collaborative for Educational Excellence and to establish library and literacy services that support the statewide system of support. This bill was held on the Senate Floor.

AB 438 (Williams), Chapter 611, Statutes of 2011, imposes requirements, until January 1, 2019, on a city or library district that intends to withdraw from a county free library system and operate libraries with a private contractor.

AB 1809 (Committee on Budget), Chapter 1809, Statutes of 2018, eliminated the sunset on requirements for a city or library district that intends to withdraw from a county free library system and operate libraries with a private contractor.

SB 321 (Ashby), Chapter 598, Statutes of 2023, establishes the Local Public Library Partnership Program, under the administration of the State Librarian, in order to ensure that all pupils have access to a local public library by third grade.

SB 1183 (Grove), Chapter 992, Statutes of 2023, establishes the Statewide Imagination Library Program, under the administration of the State Librarian, to provide age-appropriate books to children age birth through age five who are registered for the program, sent to the child’s home on a monthly basis at no cost to families, through Dolly Parton’s Imagination Library

AB 2064 (Irwin) would have created the Media Literacy through Critical Thinking Program at the California State Library, to support media literacy and navigation of issues of public health and representation among students and their families. This bill was held in the Assembly Appropriations Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

ACLU California Action
Equality California
Generation Up

Opposition

None on file

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