



## School and Public Library Censorship: House Bill 710 Fact Sheet

### Overview

In 2024, the Idaho state legislature passed a new law that censors library content. The new law, created by House Bill 710 (or “HB 710”), will force librarians in public schools and libraries to relocate books deemed “harmful” to youth to “an area with adult access only.” While we’ve seen similar bills introduced in previous legislative sessions, the 2024 library censorship bill is the first to be signed into law. The new law creates a three-step process for library materials complaints:

1. Youth under 18 or parents/guardians of youth under 18 can complain, in writing, to a library if they encounter materials “harmful” to minors;
2. The library has 60 days to review the written complaint and the book in question; if the book is deemed “harmful” to minors, the library must move the book to an adult-only section of the library;
3. If the library does not move the book and the book is deemed “harmful” to youth, the parent (or youth) that complained about the book can sue the library. The new law says parents that file these legal challenges, if successful, will be awarded at least \$250 in damages.

*Idaho’s new library censorship law goes into effect on July 1, 2024*

### Why Does ACLU of Idaho Oppose the 2024 Library Censorship Law?

There are several issues with Idaho’s new library censorship law:

- It defines what is “harmful” to young people in vague and overbroad terms. That means librarians may be too cautious in making decisions about moving books – for fear of being sued. As a result, the new law jeopardizes Idahoans’ right to freely access information – a right guaranteed by the First Amendment.
- It bans books that show “sexual conduct” and defines sexual conduct as, among other things, “homosexuality.” In practice, that could mean books with LGBTQ+ people will be relocated. Moving books about LGBTQ+ people is not only unconstitutional, it sends an unfounded and harmful message that mischaracterizes LGBTQ+ people as somehow inherently sexual.
- It could harm our libraries, some of which are small, with only one room. We know Idaho librarians work hard to select books that meet the needs of their communities and already organize their books by readership (e.g., “Fiction,” “Children’s,” “Young Adult,” etc.).
- Libraries do not currently circulate any patently obscene materials or books so don’t require “adults only” sections. Requiring librarians to move books to an adult section – or else face legal action – is not only impractical, it creates a kind of bounty on libraries.

### What Else Should I Know About Library Censorship?



## Idaho

- Libraries are a cornerstone of American Democracy, ensuring that all people, regardless of their income, education, race, or geographic location, have free and open access to information and lifelong learning so they can meaningfully engage in civic life. Public libraries—because they are public institutions—are bound by the First Amendment of the United States Constitution.
- Idaho’s new library censorship law threatens our First Amendment rights. That’s because the First Amendment says we have the right to freely access information.
- Idaho’s new law does not use a neutral criteria for what is “harmful” to youth. Instead, it allows the government to regulate certain kinds of books using a broad (and vague) criteria; it also, as noted, makes inaccurate claims about homosexuality. To be clear, it is against the law for the government to regulate books except for very limited reasons: the government cannot regulate books simply because it does not agree with the content.
- Idaho’s new library law could limit the ability of youth to read about new topics. And because it censors materials based on their content and viewpoints, it violates youths’ rights to free expression.
- The library censorship law will create uncertainty in libraries about what kinds of books are “harmful” to youth. That means that libraries could self-censor, remove, or otherwise limit access to certain books for fear of being sued. This kind of chilling effect poses serious threats to Idahoans’ First Amendment rights.
- The new law creates a bounty for libraries. allows ordinary people to file legal challenges against libraries, simply because they do not like or agree with certain kinds of books. Not only does that threaten free speech, it could be expensive for Idaho taxpayers and burdensome for school and public libraries.

### **How will it be enforced?**

There's no formal review process for complaints against books but the new law does say that libraries must move books in question within 60 days. Still, it is unclear how a library will know whether the relocation satisfies the new law. Libraries may, therefore, remove books altogether to avoid legal challenges.

**If you feel library materials are being wrongfully censored, please contact us. You can file a complaint by visiting <https://www.acluidaho.org/en/news/report-civil-liberties-violation>. For additional questions email [Admin@acluidaho.org](mailto:Admin@acluidaho.org)**