

ASSEMBLY, No. 5734

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED NOVEMBER 20, 2023

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman JACQUELINE S. YUSTEIN

District 28 (Essex)

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District 27 (Essex and Morris)

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District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Reynolds-Jackson and Assemblyman Conaway

SYNOPSIS

Prohibits public libraries and public schools from banning or restricting access to certain books; permits withholding of State Aid for non-compliance.

CURRENT VERSION OF TEXT

As introduced.



A5734 TIMBERLAKE, YUSTEIN

2

1 AN ACT prohibiting the banning of books in public libraries and
2 public schools, amending N.J.S.18A:74-12, and supplementing
3 various parts of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S.18A:74-12 is amended to read as follows:

9 18A:74-12. The Department of the Treasury, at the request of
10 the State Librarian, is hereby empowered to withhold any form of
11 State Library aid from any municipality, county, or area library
12 **[which] that:**

13 a. does not comply with the provisions of chapters 33 and 54 of
14 Title 40 of the Revised Statutes and chapter 132 of the laws of 1947
15 (C.45:8A-1 et seq.) **[wherever applicable, or];**

16 b. does not comply with any rules and regulations duly adopted
17 pursuant to [said statutes] the provisions of chapters 33 and 54 of
18 Title 40 of the Revised Statutes and chapter 132 of the laws of 1947
19 (C.45:8A-1 et seq.) or this chapter[, or which];

20 c. bans or restricts access to a book or other resource within the
21 municipality, county, or area library's collection in violation of
22 sections 2 and 3 of P.L. , c. (C.) (pending before the
23 Legislature as this bill);

24 d. fails to adopt the American Library Association's Library Bill
25 of Rights or a policy prohibiting the practice of banning or
26 restricting access to a specific book or resource as required pursuant
27 to sections 2 and 3 of P.L. , c. (C.) (pending before the
28 Legislature as this bill); or

29 e. reduces its annual expenditures for library services pursuant
30 to chapters 33 and 54 of Title 40 of the Revised Statutes below the
31 average of those expenditures for normal, recurring, operating costs
32 made during the three years previous to receipt of the first State aid
33 **[under] pursuant to** this chapter.

34 (cf: P.L.2001, c.137, s.35)

35
36 2. (New section) a. As used in this section:

37 "Free county public library" means any free county library
38 established pursuant to R.S.40:33-1, which receives State aid
39 pursuant to the "state library aid law," N.J.S.18A:74-1 et seq.

40 "Free regional public library" means any regional library
41 established pursuant to section 1 of P.L.1962, c.134 (C.40:33-13.3),
42 which receives State aid pursuant to the "state library aid law,"
43 N.J.S.18A:74-1 et seq.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Governing body" means a director or other chief administrative
2 officer, a county library commission, and a board of county
3 commissioners.

4 b. Notwithstanding any State or federal law to the contrary, a
5 governing body of a free county or regional public library shall not
6 ban or restrict access to a book or other resource in its collection
7 because of partisan or doctrinal disapproval.

8 c. A governing body of a free county or regional public library
9 shall adopt the American Library Association's Library Bill of Rights,
10 or a policy prohibiting the practice of banning or restricting access
11 to a book or resource because of partisan or doctrinal disapproval.

12 d. Nothing in this section shall be construed to require the
13 governing body of a free county or regional public library to
14 purchase, or otherwise acquire, a book or resource for inclusion in
15 its collection.

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17 3. (New section) a. As used in this section:

18 "Free municipal public library" means any free public library
19 established pursuant to R.S.40:54-1, which receives State aid
20 pursuant to the "state library aid law," N.J.S.18A:74-1 et seq.

21 "Joint free public library" means any joint free public library
22 established pursuant to section 1 of P.L.1959, c.155 (C.40:54-29.3),
23 which receives State aid pursuant to the "state library aid law,"
24 N.J.S.18A:74-1 et seq.

25 "Governing body" means a board of trustees and a director or
26 other chief administrative officer.

27 b. Notwithstanding any State or federal law to the contrary, a
28 governing body of a free municipal public library or joint free
29 public library shall not ban or restrict access to a book or other
30 resource in its collection because of partisan or doctrinal
31 disapproval.

32 c. A governing body of a free municipal public library or joint
33 free public library shall adopt the American Library Association's
34 Library Bill of Rights, or a policy prohibiting the practice of banning
35 or restricting access to a book or resource because of partisan or
36 doctrinal disapproval.

37 d. Nothing in this section shall be construed to require the
38 governing body of a municipal or joint free public library to
39 purchase, or otherwise acquire, a book or resource for inclusion in
40 its collection.

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42 4. (New section) a. Notwithstanding any other provision of law to
43 the contrary, a board of education of a school district shall not ban or
44 restrict access to a book or other resource within a school library's
45 collection because of partisan or doctrinal disapproval.

46 b. A board of education of a school district shall adopt the
47 American Library Association's Library Bill of Rights, or a policy

1 prohibiting the practice of banning or restricting access to a book or
2 resource because of partisan or doctrinal disapproval.

3 c. Nothing in this section shall be construed to require the
4 board of education to purchase, or otherwise acquire, a book or
5 resource for inclusion in its collection.

6 d. The Commissioner of Education is hereby authorized to
7 withhold all or part of any State aid paid to any school district pursuant
8 to P.L.2007, c.260 (C.18A:7F-43 et al.) or any other law for a board of
9 education's failure to comply with the provisions of subsections a. and
10 b. of this section.

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12 5. This act shall take effect immediately.

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STATEMENT

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17 This bill prohibits public libraries and public school libraries
18 from banning or restricting access to certain books and permits the
19 withholding of State Aid for non-compliance.

20 This bill prohibits a governing body of any free public library,
21 joint free public library, free county library, and free regional
22 library from banning or restricting access to books or other resource
23 materials because of partisan or doctrinal disapproval.
24 Additionally, this bill requires the governing body of these public
25 libraries to either adopt: 1) the American Library Association's
26 Library Bill of Rights, which provides that books and materials
27 "should not be excluded because of the origin, background, or
28 views of those contributing to their creation;" or 2) a policy
29 prohibiting the banning or restricting access to a book or resource
30 because of partisan or doctrinal disapproval.

31 Under the "state library aid law," the Department of the Treasury
32 can withhold State Library aid from any municipality, county, or
33 area library if the public library fails to comply with certain laws
34 and regulations. This bill amends current law to permit the
35 withholding of State Library aid if a public library fails to follow
36 the provisions of this act.

37 Similarly, this bill prohibits a board of education of a school
38 district from banning or restricting access to books or other resource
39 materials in a school library. Under the bill, a board of education is
40 similarly required to adopt the American Library Association's
41 Library Bill of Rights or a policy prohibiting the banning or
42 restricting access to books or resources. The bill permits the
43 Commissioner of Education to withhold State aid to any board of
44 education that does not follow the provisions of this act.

45 The bill's provisions should not be construed to require a free
46 public library or board of education to purchase, or otherwise
47 acquire, a book or resource for inclusion in its collection.