

SENATE, No. 3893

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 22, 2023

Sponsored by:

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District 29 (Essex)

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District 16 (Hunterdon, Mercer, Middlesex and Somerset)

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Senator Beach

SYNOPSIS

Prohibits book banning in public libraries and schools; authorizes withholding of State Aid for non-compliance.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2023)

1 AN ACT concerning the banning of books, amending
 2 N.J.S.18A:74-12, and supplementing various parts of the
 3 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.

39 “Free regional public library” means any regional library
 40 established pursuant to section 1 of P.L.1962, c.134 (C.40:33-13.3).

41 “Governing body” means a director or other chief administrative
 42 officer, a county library commission, and a board of county
 43 commissioners.

44 b. Notwithstanding any State or federal law to the contrary, a
 45 governing body of a free county or regional public library shall not

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 ban or restrict access to a book or other resource in its collection
2 because of partisan or doctrinal disapproval.

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

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

11

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

13 "Free municipal public library" means any free public library
14 established pursuant to R.S.40:54-1.

15 "Joint free public library" means any joint free public library
16 established pursuant to section 1 of P.L.1959, c.155 (C.40:54-29.3).

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

19 b. Notwithstanding any State or federal law to the contrary, a
20 governing body of a free municipal public library or joint free
21 public library shall not ban or restrict access to a book or other
22 resource in its collection because of partisan or doctrinal
23 disapproval.

24 c. A governing body of a free municipal public library or joint
25 free public library shall adopt the American Library Association's
26 Library Bill of Rights, or a policy prohibiting the practice of banning
27 or restricting access to a book or resource because of partisan or
28 doctrinal disapproval.

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

33

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

38 b. A board of education of a school district shall adopt the
39 American Library Association's Library Bill of Rights, or a policy
40 prohibiting the practice of banning or restricting access to a book or
41 resource because of partisan or doctrinal disapproval.

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

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

1 5. This act shall take effect immediately.

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STATEMENT

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6 This bill prohibits the banning of certain books in public libraries
7 and school libraries, and authorizes the withholding of State Aid
8 for non-compliance.

9 This bill prohibits a governing body of any free public library,
10 joint free public library, free county library, and free regional
11 library from banning or restricting access to books or other resource
12 materials because of partisan or doctrinal disapproval.
13 Additionally, this bill requires the governing body of these public
14 libraries to either adopt: 1) the American Library Association's
15 Library Bill of Rights, which provides that books and materials
16 "should not be excluded because of the origin, background, or
17 views of those contributing to their creation," or "because of
18 partisan or doctrinal disapproval"; or 2) a policy prohibiting the
19 banning or restricting access to a book or resource because of
20 partisan or doctrinal disapproval.

21 Under the "state library aid law," the Department of the Treasury
22 can withhold State Library aid from any municipality, county, or
23 area library if the public library fails to comply with certain laws
24 and regulations. This bill amends current law to permit the
25 withholding of State Library aid if a public library fails to follow
26 the provisions of this act.

27 Similarly, this bill prohibits a board of education of a school
28 district from banning or restricting access to books or other resource
29 materials in a school library. Under the bill, a board of education is
30 similarly required to adopt the American Library Association's
31 Library Bill of Rights or a policy prohibiting the banning or
32 restricting access to books or resources. The bill permits the
33 Commissioner of Education to withhold State aid to any board of
34 education that does not follow the provisions of this act.

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