

Attachment 3 - Handout of Proposed Amendments from the City of Boise Testimony (Ms. Griesmyer)
Relating to H 710, March 20, 2024

18-1517B. CHILDREN'S SCHOOL AND LIBRARY PROTECTION. (1) This section shall be known and may be cited as the "Children's School and Library Protection Act."

(2) Notwithstanding any other provision of law, a school or public library, or an agent thereof, shall not promote, give, or make available to a minor:

(a) Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body that depicts nudity, sexual conduct, or sado-masochistic abuse and that is harmful to minors;

(b) Any book, pamphlet, magazine, printed matter however reproduced, or sound recording that contains any matter pursuant to paragraph (a) of this subsection or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct, or sado-masochistic abuse and that, taken as a whole, is harmful to minors; or

(c) Any other material harmful to minors.

(3) Any minor who obtains material, or parent or legal guardian whose child obtained material, in violation of the provisions of subsection (2) of this section from a school or public library shall have a cause of action against such institution if:

(a) The institution gave or made available material harmful to minors, or the institution failed to take reasonable steps to restrict access by minors to material harmful to minors;

(b) Prior to the filing of a cause of action, the minor, parent, or legal guardian has provided written notice to the school or public library asking for the relocation of such material to an age-appropriate section designated for adults only within sixty (60) ~~thirty (30)~~ days of receipt of the written notice; and

(c) Upon receipt of written notice and subsequent to the expiration of sixty (60) ~~thirty (30)~~ days, the institution's library board or board of trustees failed to relocate the material harmful to minors to an age-appropriate area with adult access only.

(4) Any minor, parent, or legal guardian who prevails in an action brought under this section may recover two hundred fifty dollars (\$250) in statutory damages as well as actual damages and any other relief available by law, including but not limited to injunctive relief sufficient to prevent the defendant school or public library from violating the requirements of 20 this section.

(5) A county prosecuting attorney or the attorney general shall have a cause of action for injunctive relief against any school or public library that violates the provisions of subsection (2) of this section. The injunction shall be sufficient to prevent the defendant school or public library from violating the requirements of this section.

(6) It shall be an affirmative defense to civil liability under this section that the defendant:

(a) Had reasonable cause to believe that the minor involved was eighteen (18) years of age or older or such minor exhibited to the defendant a draft card, driver's license, birth certificate, or other official or apparently official document purporting to establish that the minor was eighteen (18) years of age or older; or

(b) Verified the minor involved was accompanied, at the time of the act, by his parent or legal guardian, or by another adult and the adult represented that he was the minor's parent or legal guardian and signed a written statement to that effect.

(7) Each school and public library shall have a policy and readily accessible form allowing a person to request review of material the person considers to be harmful to minors. Such form shall contain the definition of "harmful to minors," as provided in section 18-1514, Idaho Code.

(8) Any action brought pursuant to this section by or on behalf of a minor shall be in accordance with the provisions of chapter 9, title 6, Idaho 43 Code, section 5-306, Idaho Code, and rule 17 of the Idaho rules of civil procedure. 45 SECTION 3. An emergency existing therefor, which emergency is hereby 46 declared to exist, this act shall be in full force and effect on and after 47 July 1, 2024.