

# **POLICY RESTRICTING MINORS FROM ACCESSING OBSCENE MATTER OR MATERIALS**

**Viborg Public Library     114 N. Main Viborg, SD 57070**

**Enacted 10/10/2024**

## **Purpose**

South Dakota State Law 22-24-56 requires that Viborg Public Library:

- (1) Equip each public access computer with software that will limit minors' ability to gain access to obscene matter or material, as defined by § 22-24-27, or purchase internet connectivity from an internet service provider that provides filter services to limit access to obscene material; and
- (2) Develop and implement, by January 1, 2025, a local policy that establishes measures to restrict minors from accessing obscene matter or materials. The public library shall:
  - (a) Publish the policy on the official website of the political subdivision that maintains the library; or
  - (b) Publish the policy annually in a legal newspaper designated by the governing body of the political subdivision that maintains the library pursuant to § 7-18-3 or 9-12-6.

## **Definition**

South Dakota State Law 22-24-27(11) defines obscene materials as:

- (11) "Obscene material," material:
  - (a) The dominant theme of which, taken as a whole, appeals to the prurient interest;
  - (b) Which is patently offensive because it affronts contemporary community standards relating to the description or representation of sado-masochistic abuse or sexual conduct; and
  - (c) Lacks serious literary, artistic, political, or scientific value.

## **Policy**

In compliance with South Dakota law, the Viborg Public Library does not collect materials found to violate Section 22-24-27(11).

Library cards are issued to patrons age 18 or older. Children under 18 may use a parent or guardian's library card if the parent or guardian accepts responsibility for the child's use of the card. A parent or guardian is required to complete and sign a registration form to obtain a library card for a minor they are responsible for.

In the library, children under the age of eight (8) must be accompanied by a parent or guardian over the age of 14.

Library staff are not responsible for the supervision of children in the library. Parents or adult caregivers must assume responsibility for their children's access to, and use of, library resources. Parents and adult caregivers are expected to monitor and supervise children's use of the library's resources, including the Internet, in selecting material that is consistent with personal and family values. Parents are cautioned that the library and its available resources may contain materials that some find controversial. Library staff are not responsible for what materials children check out. The staff does not know what is in all the books and videos. It is the responsibility of parents and adult caregivers to monitor their children in the library or let us know if their children are not allowed to check out books or movies without them present.

In compliance with the Children's Internet Protection Act, the library utilizes a firewall protection measure that blocks access to images deemed (a) obscene; (b) child pornography; or (c) harmful to minors (for computers that are accessed by minors). The Viborg Public Library does not monitor and has no control over the information published by third parties that is accessed through the Internet and cannot be held responsible for any such content accessed on the Internet.

The Viborg Public Library supports the right of all members of the community to have free and equal access to the entire range of library resources, regardless of content, approach, format, or amount of detail. The Viborg Public Library upholds and affirms the right of each individual to have access to constitutionally protected materials and also affirms the right and responsibility of parents to determine and monitor their children's use of library materials and resources.