

HOUSE BILL NO. 4136

February 22, 2023, Introduced by Rep. Friske and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1982 PA 455, entitled
"The library privacy act,"
(MCL 397.601 to 397.606) by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) If a library makes available to the public
2 material that is either obscene or sexually explicit matter that is
3 harmful to minors, the governing body of that library shall adopt
4 and require enforcement of a policy addressing material that is
5 obscene or sexually explicit matter that includes both of the
6 following:

1 (a) The material must be kept in a restricted area of the
2 library accessible only to individuals who are 18 years of age or
3 older.

4 (b) The material must be viewed only in a restricted area
5 described in subdivision (a) or be borrowed by an individual who is
6 18 years of age or older and viewed outside of the library.

7 (2) Beginning 90 days after the effective date of the
8 amendatory act that added this section, if an individual finds a
9 library is not in compliance with this section, that individual may
10 file a complaint against the governing body of the library in a
11 court of competent jurisdiction. If the court finds that the
12 governing body of the library has failed to comply with subsection
13 (1), the court shall order the library to be closed to the public
14 until the governing body of the library demonstrates to the court
15 that it has complied with subsection (1).