

ASSEMBLY BILL NO. 416—ASSEMBLYMEMBERS MILLER, LA RUE
HATCH, ANDERSON, CONSIDINE; GONZÁLEZ AND MOORE

MARCH 12, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning access to certain library materials in public schools. (BDR 34-925)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to education; prohibiting the board of trustees of a school district, the governing body of a charter school or a school employee from limiting access to library materials by pupils under certain circumstances; prohibiting certain actions against the members of the board of trustees of a school district, the members of the governing body of a charter school, school employees, pupils and certain other persons which are intended to limit access to library materials by pupils; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law authorizes a district attorney or city attorney to file a complaint in
2 the district court to have an item or material declared obscene and to enjoin owner
3 and possessor of the item or material from selling, renting, exhibiting, reproducing,
4 manufacturing or distributing it. (NRS 201.241) For these purposes, “obscenity” is
5 defined in existing law as any item, material or performance which: (1) an average
6 person applying contemporary community standards would find, taken as a whole,
7 appeals to prurient interest; (2) taken as a whole, lacks serious literary artistic,
8 political or scientific value; and (3) depicts or describes in a patently offensive way
9 certain sexual acts, excretory functions, sadism or masochism or lewdly exhibits the
10 genitals. (NRS 201.235) **Section 2** of this bill: (1) prohibits the board of trustees of
11 a school district, the governing body of a charter school or a school employee from
12 taking certain actions which limit the access of pupils to library materials of a
13 school library; and (2) sets forth certain circumstances in which access to library
14 materials may be restricted for reasons unrelated to the content of such materials.
15 **Section 2** additionally authorizes a person who objects to the inclusion of any
16 library material in the collection of a school library to petition a court for the
17 removal of the material and authorizes a court to order the removal of such material



18 if the court determines that the material is obscene, based on a definition of
19 obscenity which is substantially similar to the definition of obscenity in existing
20 law.

21 **Section 3** of this bill makes it a crime, punishable as a category E felony, for
22 any person to use or threaten or attempt to use any force, intimidation, coercion,
23 violence, restraint or undue influence with the intent to: (1) prevent a pupil from
24 using or accessing library materials; or (2) induce or compel the board of trustees of
25 a school district, the governing body of a charter school or a school employee to
26 violate the provisions of **section 2**. **Section 3** further makes it a crime, punishable
27 as a category E felony, for any person to disseminate any personal identifying
28 information or sensitive information of a member of the board of trustees of a
29 school district, a member of the governing body of a charter school, a school
30 employee or a pupil without consent, knowing that the member, employee or pupil
31 could be identified by such information, if: (1) the person disseminates such
32 personal identifying information or sensitive information in retaliation for the
33 victim accessing or allowing a pupil to access library materials from a school
34 library with the intent to aid, assist, encourage, facilitate, further or promote any
35 criminal offense which would be reasonably likely to cause death, bodily injury or
36 stalking or with the intent to cause harm to the member, school employee or pupil
37 and with knowledge of or reckless disregard for the reasonable likelihood that the
38 dissemination of the information may cause death, bodily injury or stalking; and (2)
39 the dissemination of the personal identifying information or sensitive information
40 would cause a reasonable person to fear the death, bodily injury or stalking of
41 himself or herself or a close relation or causes the death, bodily injury or stalking of
42 the victim whose information was disseminated or a close relation of the victim.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 388 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *Except as otherwise provided in this section, the***
4 ***board of trustees of a school district, the governing body of a***
5 ***charter school or a school employee shall not limit the access of***
6 ***pupils to any library materials of a school library by:***

7 ***(a) Removing library materials from the collection of a school***
8 ***library or from circulation;***

9 ***(b) Moving library materials to other sections of the library or***
10 ***school premises for the purpose of concealing the presence of the***
11 ***materials;***

12 ***(c) Labeling library materials in a manner that indicates that***
13 ***the board of trustees of a school district, the governing body of a***
14 ***charter school or a school employee finds the content of the***
15 ***library materials to be objectionable; or***

16 ***(d) Defacing library materials to obscure the contents of the***
17 ***library materials or cause the library materials to be removed from***
18 ***circulation.***



1 2. *The provisions of subsection 1 do not prohibit a person*
2 *from checking library materials out of a school library pursuant to*
3 *the circulation policies of the school library.*

4 3. *The board of trustees of a school district, the governing*
5 *body of a charter school or an administrator or school library*
6 *media specialist of a school may adopt a rule or policy which has*
7 *the effect of limiting access to library materials by a pupil if:*

8 (a) *The rule or policy:*

9 (1) *Imposes a reasonable restriction as to the time, place*
10 *and manner of accessing library materials;*

11 (2) *Is adopted to preserve the safety and security of library*
12 *materials; or*

13 (3) *Is a maintenance or deaccession policy for the removal*
14 *of library materials which are damaged, duplicative, unused or*
15 *rarely used, in a format which is inaccessible due to obsolescence*
16 *or which are otherwise inconsistent with the collections policy of*
17 *the school library for reasons unrelated to the content of the*
18 *library material; and*

19 (b) *The rule or policy is not based on the content of the library*
20 *materials or the sex, race, national origin, religion, gender identity*
21 *or expression, sexual orientation, physical or mental disability,*
22 *political affiliation or any other distinguishing characteristic or*
23 *background of:*

24 (1) *The subject of the library materials;*

25 (2) *The author of the library materials; or*

26 (3) *The perceived or intended audience for the library*
27 *materials.*

28 4. *A person who objects to the inclusion of any library*
29 *material in the collection of a school library may petition a court*
30 *of competent jurisdiction to order the removal of the library*
31 *material from circulation. A court may order the library material*
32 *to be removed from circulation pursuant to this subsection only if*
33 *the court determines that the material is obscene.*

34 5. *The board of trustees of a school district and the governing*
35 *body of a charter school shall maintain a list of all of the library*
36 *materials which have been ordered to be removed from circulation*
37 *from a school library within the school district or charter school*
38 *pursuant to subsection 4 and make the list available to any school*
39 *employee who is involved in the selection and purchase of*
40 *materials for the collection of a school library within the school*
41 *district or charter school.*

42 6. *A school employee shall not be dismissed, disciplined,*
43 *involuntarily transferred, fined or imprisoned for the selection,*
44 *display or circulation of library materials in accordance with the*
45 *provisions of this section.*



1 7. As used in this section:

2 (a) "Community" means the area from which a jury is or
3 would be selected for the court in which an action is brought
4 pursuant to subsection 4.

5 (b) "Library materials" includes, without limitation, books,
6 periodicals, pamphlets, journals, newspapers, audio materials,
7 audiovisual materials, instructional materials, maps, databases,
8 government documents, records and photographs.

9 (c) "Obscene" means any material which:

10 (I) An average person applying contemporary community
11 standards would find, taken as a whole, appeals to prurient
12 interest;

13 (2) Taken as a whole, lacks serious literary, artistic,
14 political or scientific value; and

15 (3) Does one of the following:

16 (I) Depicts or describes in a patently offensive way
17 ultimate sexual acts, normal or perverted, actual or simulated.

18 (II) Depicts or describes in a patently offensive way
19 masturbation, excretory functions, sadism or masochism.

20 (III) Lewdly exhibits the genitals.

21 (d) "School employee" means a licensed or unlicensed person
22 employed by a school, including, without limitation, a charter
23 school.

24 **Sec. 3. 1. It is unlawful for any person to use or threaten or**
25 **attempt to use any force, intimidation, coercion, violence, restraint**
26 **or undue influence with the intent to:**

27 (a) Prevent a pupil from using or accessing library materials;
28 or

29 (b) Induce or compel the board of trustees of a school district,
30 the governing body of a charter school or a school employee to
31 violate the provisions of section 2 of this act.

32 2. The provisions of subsection 1 apply regardless of whether
33 a person uses or threatens or attempts to use force, intimidation,
34 coercion, violence, restraint or undue influence on school property
35 or at a location other than on school property.

36 3. It is unlawful for a person to disseminate any personal
37 identifying information or sensitive information of a member of
38 the board of trustees of a school district, a member of the
39 governing body of a charter school, a school employee or a pupil
40 without the consent of the member, school employee or the parent
41 or legal guardian of the pupil, as applicable, knowing that the
42 member, school employee or pupil could be identified by such
43 information, if:



1 (a) *The person disseminates such personal identifying*
2 *information in retaliation for the victim accessing or allowing a*
3 *pupil to access library materials from a school library and:*

4 (1) *With the intent to aid, assist, encourage, facilitate,*
5 *further or promote any criminal offense which would be*
6 *reasonably likely to cause death, bodily injury or stalking; or*

7 (2) *With the intent to cause harm to the member, school*
8 *employee or pupil and with knowledge of or reckless disregard for*
9 *the reasonable likelihood that the dissemination of the*
10 *information may cause death, bodily injury or stalking; and*

11 (b) *The dissemination of the personal identifying information*
12 *or sensitive information:*

13 (1) *Would cause a reasonable person to fear the death,*
14 *bodily injury or stalking of himself or herself or a close relation;*
15 *or*

16 (2) *Causes the death, bodily injury or stalking of the*
17 *member, school employee or pupil whose information was*
18 *disseminated or a close relation of the member, school employee*
19 *or pupil.*

20 4. *A person who violates the provisions of subsection 1 or 3 is*
21 *guilty of a category E felony and shall be punished as provided in*
22 *NRS 193.130.*

23 5. *As used in this section:*

24 (a) *“Close relation” means a current or former spouse or*
25 *domestic partner, parent, child, sibling, stepparent, grandparent or*
26 *any person who regularly resides in the household or who, within*
27 *the immediately preceding 6 months, regularly resided in the*
28 *household.*

29 (b) *“Personal identifying information” has the meaning*
30 *ascribed to it in NRS 205.4617.*

31 (c) *“School employee” means a licensed or unlicensed person*
32 *employed by a school, including, without limitation, a charter*
33 *school.*

34 (d) *“Sensitive information” has the meaning ascribed to it in*
35 *NRS 41.1347.*

36 (e) *“Stalking” means a violation of NRS 200.575.*

37 **Sec. 4.** This act becomes effective upon passage and approval.



