



COMMISSION RECOMMENDATION

LIBRARY COMMISSION

Recommendation #20230327-6: Regarding

Opposition to Legislation Pending in the 88th Texas Legislature

WHEREAS, commission recommendation 20220418-5c resolved support for the Austin Public Library policies for materials selection and materials reconsideration, which prevent distribution of unlawful material while supporting the Freedom to Read; and

WHEREAS, the Austin City Council adopted resolution 20220901-086 which supports this commission action; and

WHEREAS, several bills have been introduced into the 88th regular session of the Texas legislature that relate to the distribution of obscene materials, which remove or modify the affirmative defense to prosecution for a bona fide educational justification; and

WHEREAS, other bills have been introduced into the Texas legislature that modify the penalty for distribution of prohibited materials, including elevation from a Class A misdemeanor to a state jail felony; and

WHEREAS, these bills do not change what materials the library may distribute under the law;

WHEREAS these bills would raise the risk of prosecution when the library circulates materials of varying cultural perspectives and interests; and

WHEREAS, some library advocates have been targeted with threats following public statements in opposition to these bills;

NOW, THEREFORE,

BE IT RESOLVED BY THE AUSTIN LIBRARY COMMISSION:

The commission finds these bills erode local control of libraries and staff that perform their lawful duties, and degrade the rights of the people to access lawful materials and programming at their public libraries.

BE IT FURTHER RESOLVED;

The commission urges the City Manager to take appropriate measures to protect and support city staff who speak publicly regarding legislation pertaining to libraries.

BE IT FURTHER RESOLVED:

The commission urges the Austin City Council to direct the City Manager to monitor and oppose these and other similar bills that would restrict the freedom of Texans to access library materials, override parental rights, and erode local control of Texas public libraries.

Date of Approval: March 27, 2023

Record of the vote: Unanimous on a 6-0 vote

Attest: *Laura Plio*