A BILL FOR AN ACT

CONCERNING STANDARDS THAT PUBLIC LIBRARIES ARE REQUIRED TO INCLUDE IN POLICIES REGARDING LIBRARY RESOURCES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill requires the board of trustees of a public library (board) to establish written policies for the acquisition, retention, display, and use of library resources and for the use of a public library facility. In addition, if a public library reconsiders library resources, the board is also required to establish a written policy for the reconsideration of a library resource. The board is required to comply with specified standards in establishing standards.
a policy for the acquisition, retention, display, use, and reconsideration of library resources and for the use of public library facilities.

The bill specifies that a public library may remove a library resource from its permanent collection only if the library resource has been reviewed in accordance with an established policy for the reconsideration of library resources that complies with the standards established in the bill. A public library that has not established a policy for the reconsideration of library resources or that has a policy for the reconsideration of library resources that does not comply with the standards established in the bill may not remove a library resource from its permanent collection. These requirements do not apply to routine collection maintenance and weeding in accordance with a public library's established collection maintenance policy. The board is required to make its process for the reconsideration of library materials available to the public.

After reviewing a library resource that is the subject of a request for reconsideration and making a final determination regarding the library resource, the board is required to make the determination available to the public.

The bill specifies that a request for reconsideration of a library resource is not a library user record as described in current law and instead is an open record under the "Colorado Open Records Act".

The bill specifies that a librarian, media specialist, other employee, contractor, or volunteer (employee) at a public library is not subject to termination, demotion, discipline, or retaliation for refusing to remove a library resource before it has been reviewed in accordance with the public library's policy for the reconsideration of library resources or for making displays, acquisitions, or programming decisions that the employee believes, in good faith, are in accordance with the standards established in the bill.

The bill specifies that it is a discriminatory practice and unlawful for any person to discriminate against any individual or group in the acquisition, retention, display, use, or reconsideration of a library resource or in the use of a public library facility.

---

1 Be it enacted by the General Assembly of the State of Colorado:
2
3 SECTION 1. Legislative declaration. (1) The general assembly finds and declares that librarians are highly trained and educated and that they intentionally and thoughtfully select library resources for their specific communities to educate and entertain public library patrons.
(2) The general assembly further finds and declares that:
(a) A full range of books and other library resources should be provided for the interest and enlightenment of all people in the communities that public libraries serve;
(b) The opportunity to be exposed to a wide variety of perspectives and experiences via books and other library materials engenders empathy and understanding;
(c) Recent challenges to library materials have targeted various protected classes, including individuals based on their race and sexual orientation, constituting dangerous discrimination and limiting some individuals from adequate representation and participation in institutional public life;
(d) Community members have challenged the inclusion of library resources in public libraries and have successfully demanded the removal of library resources;
(e) Removing library resources prevents others from examining, enjoying, and learning from the removed library resources; and
(f) It is important that public libraries' policies for the acquisition, retention, display, reconsideration, and use of library resources and for the use of public library facilities comply with standards that identify the priorities and mission of public libraries.

SECTION 2. In Colorado Revised Statutes, add 24-90-122 as follows:

(1) **Definition.** As used in this section, unless the context
OTHERWISE REQUIRES:

(a) "LIBRARY RESOURCE" MEANS MATERIAL, BOTH PRINT AND NON-PRINT, FOUND IN A PUBLIC LIBRARY THAT SUPPORTS CURRICULAR OR PERSONAL INFORMATION NEEDS. PRINT ITEMS INCLUDE BOOKS, MAGAZINES, NEWSPAPERS, PAMPHLETS, MICROFICHE, OR MICROFILM. NON-PRINT ITEMS INCLUDE FILMS, DISC RECORDS, FILMSTRIPS, SLIDES, PRINTS, AUDIOTAPES, VIDEOTAPES, COMPACT DISCS, COMPUTER SOFTWARE, LIBRARY PROGRAMS, AND EXHIBITS.

(b) "PUBLIC LIBRARY" MEANS A PUBLIC LIBRARY AS DEFINED IN SECTION 24-90-103 (13) THAT IS ESTABLISHED, OPERATED, OR MAINTAINED PURSUANT TO THIS PART 1.

(2) Standards. In addition to the powers and duties specified in section 24-90-109, a board of trustees of a public library shall establish written policies for the acquisition, retention, display, and use of library resources and for the use of a public library facility. In addition, the board of trustees of a public library that reconSIDERS LIBRARY RESOURCES AS SPECIFIED IN SUBSECTION (3) OF THIS SECTION SHALL ESTABLISH A WRITTEN POLICY FOR THE RECONSIDERATION OF A LIBRARY RESOURCE. The board of trustees shall establish policies as required by this subsection (2) that, at a minimum, comply with the following standards:

(a) A PUBLIC LIBRARY SERVES AS A CENTER FOR VOLUNTARY INQUIRY AND THE DISSEMINATION OF INFORMATION AND IDEAS;

(b) THE PUBLIC HAS THE RIGHT TO ACCESS A RANGE OF SOCIAL, POLITICAL, AESTHETIC, MORAL, AND OTHER IDEAS AND EXPERIENCES THROUGH A PUBLIC LIBRARY;

(c) EACH LIBRARY RESOURCE IS PROVIDED FOR THE INTEREST,
INFORMATION, AND ENLIGHTENMENT OF THE COMMUNITY AND SHOULD
PRESENT DIVERSE POINTS OF VIEW IN THE COLLECTION AS A WHOLE;

(d) A PUBLIC LIBRARY SHALL NOT EXCLUDE A LIBRARY RESOURCE
BECAUSE OF THE ETHNIC ORIGIN, ETHNIC BACKGROUND, OR GENDER
IDENTITY OF THOSE CONTRIBUTING TO THE CREATION OF THE LIBRARY
RESOURCE OR BECAUSE OF THE TOPIC ADDRESSED BY THE LIBRARY
RESOURCE OR THE OPINIONS EXPRESSED IN THE LIBRARY RESOURCE;

(e) A PUBLIC LIBRARY SHALL NOT PROSCRIBE OR PROHIBIT THE
CIRCULATION OR PROCUREMENT OF A LIBRARY RESOURCE BECAUSE OF
PARTISAN OR DOCTRINAL DISAPPROVAL OF THE LIBRARY RESOURCE;

(f) IT IS THE RESPONSIBILITY OF A PUBLIC LIBRARY TO CHALLENGE
CENSORSHIP IN THE FULFILLMENT OF ITS RESPONSIBILITY TO PROVIDE
INFORMATION AND ENLIGHTENMENT;

(g) A PUBLIC LIBRARY SHALL CONSIDER THE PERSPECTIVES OF
MARGINALIZED GROUPS, INCLUDING THOSE IDENTIFIED IN SECTION
22-1-104 (1)(a);

(h) FOR A PUBLIC LIBRARY THAT PROVIDES FACILITIES TO THE
PUBLIC, THE LIBRARY SHALL MAKE THE FACILITIES AVAILABLE ON AN
EQUITABLE BASIS, REGARDLESS OF THE BELIEFS OR AFFILIATIONS OF
INDIVIDUALS OR GROUPS REQUESTING THEIR USE; AND

(i) A PUBLIC LIBRARY SHALL PROHIBIT DISCRIMINATION BASED ON
AGE, BACKGROUND, POLITICAL OR RELIGIOUS VIEWS, ORIGIN, DISABILITY,
RACE, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY IN THE
SELECTION, RETENTION, DISPLAY, USE, OR RECONSIDERATION OF LIBRARY
RESOURCES AND PUBLIC MEETING SPACES.

(3) Reconsideration of library resources. (a) (I) Except as
OTHERWISE PROVIDED IN SUBSECTION (3)(a)(II) OF THIS SECTION, A PUBLIC LIBRARY MAY REMOVE A LIBRARY RESOURCE FROM ITS PERMANENT COLLECTION ONLY IF THE LIBRARY RESOURCE HAS BEEN REVIEWED IN ACCORDANCE WITH AN ESTABLISHED POLICY FOR THE RECONSIDERATION OF LIBRARY RESOURCES THAT COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION. A PUBLIC LIBRARY THAT HAS NOT ESTABLISHED A POLICY FOR THE RECONSIDERATION OF LIBRARY RESOURCES OR THAT HAS A POLICY FOR THE RECONSIDERATION OF LIBRARY RESOURCES THAT DOES NOT COMPLY WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION MAY NOT REMOVE A LIBRARY RESOURCE FROM ITS PERMANENT COLLECTION.

(II) THE PROVISIONS OF SUBSECTION (3)(a)(I) OF THIS SECTION DO NOT APPLY TO ROUTINE COLLECTION MAINTENANCE AND DEACCESSION IN ACCORDANCE WITH A PUBLIC LIBRARY’S ESTABLISHED COLLECTION DEVELOPMENT AND MAINTENANCE POLICY.

(b) THE BOARD OF TRUSTEES OF A PUBLIC LIBRARY THAT HAS ESTABLISHED A POLICY FOR THE RECONSIDERATION OF LIBRARY RESOURCES THAT COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION AND THAT RECONSIDERS LIBRARY RESOURCES IN ACCORDANCE WITH THAT POLICY SHALL MAKE ITS RECONSIDERATION POLICY AVAILABLE TO THE PUBLIC ON ITS WEBSITE.

(c) TO MAKE A REQUEST FOR RECONSIDERATION OF A LIBRARY RESOURCE, THE INDIVIDUAL MAKING THE REQUEST MUST RESIDE IN THE LEGAL SERVICE AREA FOR THE LIBRARY IN WHICH THE REQUEST IS MADE.

(d) A PUBLIC LIBRARY SHALL NOT RECONSIDER THE SAME LIBRARY RESOURCE MORE THAN ONCE EVERY TWO YEARS; EXCEPT THAT A PUBLIC LIBRARY’S ESTABLISHED POLICY FOR THE RECONSIDERATION OF A LIBRARY
RESOURCE MAY SPECIFY A PERIOD LONGER THAN TWO YEARS DURING WHICH THE PUBLIC LIBRARY WILL NOT RECONSIDER THE SAME LIBRARY RESOURCE.

(e) (I)  ONCE A FINAL DETERMINATION HAS BEEN MADE FOR A LIBRARY RESOURCE THAT IS THE SUBJECT OF A REQUEST FOR RECONSIDERATION, THE BOARD OF TRUSTEES SHALL MAKE THE DETERMINATION AND HOW IT COMPORTS WITH THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION AVAILABLE TO THE PUBLIC.

(II)  A PUBLIC LIBRARY SHALL NOT REMOVE, DISCONTINUE, OR RESTRICT A LIBRARY RESOURCE AS THE RESULT OF A REQUEST FOR RECONSIDERATION UNTIL THE DETERMINATION REGARDING THE LIBRARY RESOURCE HAS BEEN MADE AVAILABLE TO THE PUBLIC PURSUANT TO SUBSECTION (3)(e)(I) OF THIS SECTION.


(4)  Retaliation against library employees prohibited. An INDIVIDUAL WHO IS A LIBRARIAN, MEDIA SPECIALIST, OTHER EMPLOYEE, CONTRACTOR, OR VOLUNTEER AT A PUBLIC LIBRARY SHALL NOT BE SUBJECT TO TERMINATION, DEMOTION, DISCIPLINE, OR RETALIATION FOR REFUSING TO REMOVE A LIBRARY RESOURCE BEFORE IT HAS BEEN REVIEWED IN ACCORDANCE WITH THE PUBLIC LIBRARY'S POLICY FOR THE RECONSIDERATION OF LIBRARY RESOURCES OR FOR MAKING DISPLAYS, ACQUISITIONS, OR PROGRAMMING DECISIONS THAT THE LIBRARIAN, MEDIA SPECIALIST, OTHER EMPLOYEE, CONTRACTOR, OR VOLUNTEER BELIEVES,
IN GOOD FAITH, ARE IN ACCORDANCE WITH THE STANDARDS SPECIFIED IN
SUBSECTION (2) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 24-90-119, add (4)
as follows:

24-90-119. Privacy of user records. (4) A WRITTEN REQUEST
FOR RECONSIDERATION OF A LIBRARY RESOURCE MADE AT A PUBLIC
LIBRARY PURSUANT TO SECTION 24-90-122 (3) IS NOT A LIBRARY USER
RECORD AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

SECTION 4. Safety clause. The general assembly finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, or safety or for appropriations for
the support and maintenance of the departments of the state and state
institutions.