



Senator Scott Jiu Wo Kawasaki

Serving Fairbanks, Fort Wainwright & Badger Road

Sponsor Statement - SB238 - 34-LS1136\I

The Freedom to Read Act

“An Act relating to access to library material; and relating to affirmative defenses to the offenses of enticement of a minor, contributing to the delinquency of a minor, and distribution of indecent material to minors.”

Public and school libraries are the depositories of knowledge in Alaska. For some Alaskans, they are the only places where they can access information freely. SB238 ensures that these institutions can protect this marketplace of ideas, while also allowing a deliberate and certain policy for which reading materials are curated. Library patrons are also able to request reconsideration of library materials that lack serious literary, artistic, political, or scientific value.

Public and school libraries serve a broad community with vastly different viewpoints, so the materials they contain should also reflect the varying perspectives and beliefs of their patrons. SB238 also protects librarians and school employees who follow the rules by appropriately curating the library selections.

The bulk of SB238 concerns creating a statewide policy for considering library materials. This empowers patrons of both public and school libraries to challenge material lacking any literary, artistic, political, or scientific value. Under this policy, library material must be considered as a whole, not judged by a few ‘cherry-picked’ passages. A trained librarian employed by the institution will be part of the review process to ensure professional guidance throughout. For school libraries, the age and developmental stage of the students will be considered. Furthermore, if a public or school library already has a reconsideration policy that meets the requirements of SB238, they do not need to change their policy.

SB238 also provides protection to librarians and school employees who may be unfairly targeted by individuals acting in bad faith who would seek to have them fired or even imprisoned for merely allowing a library patron to freely check out material. Even now, our librarians are being targeted, verbally assaulted and intimidated to censor library materials because a select few find them offensive in some way, shape, or form. SB 238 provides a shield for these employees acting in good faith so they can do their jobs—the job of safeguarding and disseminating a wide array of information to their communities.

Lastly, SB238 creates a private right of action that allows students, their parents or guardians, authors, booksellers, or publishers to commence a civil action if library material is unduly censored. This gives power directly to those affected by censorship and provides an avenue for recourse. The goal of these cases would be to provide injunctive relief to ensure that the wronged party could gain access to the material or have their material available to the public. Though SB238 is considerate of the costs such cases can incur on the plaintiff and allows those to be recouped.

This legislation is about protecting the intellectual landscape for all Alaskan citizens, from the kindergartener who is just learning to read to an octogenarian who has enjoyed a lifetime of learning. SB238 ensures there is a process to ensure our libraries are filled with materials of serious literary, artistic, political, or scientific value. Thus, enabling our citizens to access a marketplace of ideas where they have the freedom to choose what to read, free from any governmental, special-interest, or partisan interference or agendas.