

Dell Rapids Carnegie Public Library

Policy Restricting Minors from Accessing Obscene Matter or Materials

Purpose

South Dakota State Law 22-24-56 requires the Dell Rapids Carnegie Library:

1. Equip each public access computer with software that will limit minors' ability to gain access to obscene matter or material, as defined by § 22-24-27, or purchase internet connectivity from an internet service provider that provides filter services to limit access to obscene material; and
2. Develop and implement, by January 1, 2025, a local policy that establishes measures to restrict minors from accessing obscene matter or materials. The policy must allow for an individual to appeal to the governing body of the public library, as defined in § 14-2-27, to determine whether any matter or material is obscene. Any determination made by the governing body as to whether any matter or material is obscene is subject to judicial review in a court of competent jurisdiction. The public library shall:
 - a. Publish the policy on the official website of the political subdivision that maintains the library; or
 - b. Publish the policy annually in a legal newspaper designated by the governing body of the political subdivision that maintains the library pursuant to § 7-18-3 or 9-12-6.4

Definition

South Dakota State Law 22-24-27(11) defines obscene materials as:

(11) "Obscene material," material:

- a. The dominant theme of which, taken as a whole, appeals to the prurient interest;
- b. Which is patently offensive because it affronts contemporary community standards relating to the description or representation of sado-masochistic abuse or sexual conduct; and
- c. Lacks serious literary, artistic, political, or scientific value.

Policy

In compliance with South Dakota Law, the library does not collect materials found to violate section 22-24-27(11).

Children under the age of 18 may get a library card as long as a parent or guardian accepts responsibility for the child's use of the library card. A parent or guardian is required to complete and sign a registration card to obtain a library card for a minor they are responsible for. Restrictions can be placed on a minor child's library card.

Children under the age of seven (7) must be accompanied by a parent or guardian over the age of 14.

Library staff are not responsible for the supervision of children in the library. Parents or guardians must assume responsibility for their children's access to and use of library resources. Parents and guardians are expected to monitor and supervise children's use of the library's resources, including the Internet, and in selecting material that is consistent with personal and family values. Parents are cautioned that the library and its available resources may contain materials that some find controversial.

In compliance with the Children's Internet Protection Act, the library utilizes a technology protection measure that blocks access to images deemed (a) obscene; (b) child pornography; or (c) harmful to minors. The Dell Rapids Carnegie Public Library does not monitor and has no control over the information published by third parties that is accessed through the Internet and cannot be held responsible for any such content accessed on the Internet.

The Dell Rapids Carnegie Library supports the right of all members of the community to have free and equal access to the entire range of library services, regardless of content, approach, format, or amount of detail. The Dell Rapids Carnegie Library upholds and affirms the right of each individual to have access to constitutionally protected materials and also affirms the right and responsibility of parents or guardians to determine and monitor their children's use of library material and resources.

For more information on library resources, how they are selected, withdrawal, replacement, donations, intellectual freedom, and reconsideration, please refer to our Collection Development Policy.

For more information on library card registration and usage, please refer to our Library Card Policy, Borrowing and Past Due Policy, and Rules of Conduct Policy.

Additional information regarding unattended children in the library and minors' use of our computers and the Internet can be located in our Rules of Conduct Policy and our Computer and Internet Use Policy.