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WRITTEN NOTICE OF COMPLAINT ALLEGING MATERIAL HARMFUL TO MINORS

Pursuant to Idaho Code § 18-1517B, the “Children’s School and Library Protection Act,” this form can be used to allege that the title you are submitting is Material Harmful to Minors. Filling out and submitting this form will constitute the Written Notice required by Idaho Code § 18-1517B(3). Only a minor who obtained Material Harmful to Minors from the Boise Public Library or their parent or legal guardian can submit a Written Notice.

A completed Written Notice can be submitted by the following means. Only one means of submission is required.

A. Physical mail to:

Boise Public Library
ATTN: Acquisitions Manager – Material Challenge
715 S. Capitol Blvd.
Boise, ID 83702

B. E-mail to:

materialchallenge@cityofboise.org

C. Facsimile to:

1 (208) 384-4025

D. To submit in-person, the completed Written Notice can be given to a Library staff member at any service desk at all Boise Public Library locations.

Upon submission of this form, it will become a public record. The Boise Public Library will evaluate if any redactions to personal information contained in the form are required by Idaho law prior to making the completed form publicly available.

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**FILLING OUT AND SUBMITTING THIS FORM CONSTITUTES WRITTEN NOTICE
PURSUANT TO THE “CHILDREN’S SCHOOL AND LIBRARY PROTECTION ACT.”**

[] Initial this box and fill out this section if you intend for this form to constitute Written Notice pursuant to Idaho Code § 18-1517B(3). By initialing this box, you affirm your belief that the Materials are Materials Harmful to Minors as defined by Idaho Code and Boise Public Library policy, and you request the Materials be relocated to a section designated for adults only within sixty (60) days of the Boise Public Library’s receipt of this notice.

Idaho Code defines material harmful to minors as:

“Harmful to minors” includes in its meaning the quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when it:

(a) Appeals to the prurient interest of minors as judged by the average person, applying contemporary community standards; and

(b) Depicts or describes representations or descriptions of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse which are patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors and includes, but is not limited to, patently offensive representations or descriptions of:

(i) Intimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, excretory functions or lewd exhibition of the genitals or genital area. Nothing herein contained is intended to include or proscribe any matter which, when considered as a whole, and in context in which it is used, possesses serious literary, artistic, political or scientific value for minors[.]”

Idaho Code § 18-1514(6).

The following subdefinitions found in Idaho Code § 18-1514 apply to the above definition of “harmful to minors:

“Minor” means any person less than eighteen (18) years of age.

“Nudity” means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

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“Sexual conduct” means any act of masturbation, homosexuality, sexual intercourse, or physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, the breast.

“Sexual excitement” means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

“Sado-masochistic abuse” means flagellation or torture by or upon a person who is nude or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one who is nude or so clothed.

“Material” means anything tangible which is harmful to minors, whether derived through the medium of reading, observation or sound.

“Performance” means any play, motion picture, dance or other exhibition performed before an audience.

“Promote” means to manufacture, issue, sell, give, provide, deliver, publish, distribute, circulate, disseminate, present, exhibit or advertise, or offer or agree to do the same.

“Knowingly” means having general knowledge of, or reason to know, or a belief or reasonable ground for belief that warrants further inspection or inquiry.

“School” means any public or private school providing instruction for students in kindergarten through grade 12.

a. Complainant’s Information.

i. Name: _____

ii. Address: _____

iii. Email Address: _____

iv. Telephone Number: _____

v. Preferred means of contact: _____

vi. Are you a minor? Y / N

vii. Are you filing this request on behalf of a dependent minor? Y / N

viii. Do you represent an organization? Y / N

a. If so, which organization? _____

ix. Do you have legal representation? Y / N

a. If so, who are they and how do we contact them? _____

x. Are you a Boise Public Library cardholder? Y / N

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- xi. Did you obtain the Material from the Boise Public Library? Y / N
- xii. Did you check out, request, or use the Material that is the subject of this request? Y / N
- xiii. How did you, or your dependent Minor, obtain the Material? Please include the format of the Material and the Boise Public Library location the Material was obtained.

b. Information about the material:

- i. Did you read, view or listen to the entire Material? _____
- ii. If not, what parts did you read, view or listen to? _____
- iii. Are you aware of judgments of this Material by professional critics? _____
- iv. In what ways do you believe the challenged Material meets the definition of Material Harmful to Minors? Please state the basis of the claims and provide all explanation that may be helpful.

a. How does the Material appeal to the prurient interests of minors, as judged by the average person applying contemporary community standards?

b. In what ways is the Material patently offensive to prevailing standards in the adult community with regard to what is suitable for Minors?

c. Does the Material, when considered as a whole and in the context in which it is used possess serious literary, artistic, political or scientific value for Minors? Why or why not?

v. Is there additional information that the Library Board should be aware of while reviewing your request? _____

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Signature

Date

By signing this section of the form I understand that I am making a formal complaint to the Boise Public Library about a Material they have made available. I acknowledge that this document will become a public record as soon as it is received by library staff and will be posted to the library's website.

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