



Boise Public Library Board of Trustees Regular Meeting Agenda

Wednesday, May 13, 2026, 11:30 a.m. • Library! at Cole and Ustick, Sagebrush Room, 7557 W. Ustick Rd., Boise, ID 83704

Public can attend the meeting in person or via YouTube at the following link:

https://www.youtube.com/channel/UCJo0NAsCybsN0DtzuAI3LGA

Table with 2 columns: BOARD OF TRUSTEES (listing Ron Pisaneschi, Nicole Trammel Pantera, Evelyn Johnson, Reshma Kamal, Brian Klene) and MISSION (The Boise Public Library's mission is to provide access and opportunity for everyone by connecting people to ideas, information, and community).

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DOWNTOWN LIBRARY
715 S. Capitol Blvd., Boise, Idaho 83702
P: 208-972-8200 | TTY: 711

LIBRARY! AT BOWN CROSSING
P: 208-972-8360

LIBRARY! AT COLE AND USTICK
P: 208-972-8300

LIBRARY! AT COLLISTER
P: 208-972-8320

LIBRARY! AT HILLCREST
P: 208-972-8340

AGENDA

Boise Public Library Board of Trustees Regular Meeting Agenda

Wednesday, May 13, 2026, 11:30 a.m. • Library! at Cole and Ustick, Sagebrush Room,
7557 W. Ustick Rd., Boise, ID 83704

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<https://www.youtube.com/channel/UCJo0NAsCybsN0DtzuAI3LGA>

1. Call to Order and Introductions

2. Communications

None

3. Minutes- Action Item

April 8, 2026, Regular Meeting

4. Consent Agenda- Action Item

All matters on the consent agenda are considered routine and may be approved in a single motion. A trustee may ask that an item be removed from the consent agenda and considered separately.

a. Payment of Bills and Payroll

b. Financial Reports

Year-to-Date through March 31, 2026

Gift Fund activity for March 2026

5. Reports

a. Friends of the Boise Public Library

b. Boise Public Library Foundation

c. Library Director including administration and management

6. Requests for Reconsideration

Requests for the move, or removal of materials are brought to the Board for reconsideration at the Library Board President's discretion.

None

7. New Business

a. Appeal of Administrative Decision- Action Item

An appeal of an administrative decision will be presented to the Library Board of Trustees for consideration and action as stated in the Boise Public Library Policy Manual, subsection 4.04b, Security Appeal Process.

Action: deliberation of appeal and determine response.

b. FY26 Ada Community Library Annexation Compensation Agreement- Action Item

Staff will review and submit to the Trustees for approval the FY26 Annexation Compensation Agreement between Ada Community Library and Boise City, which begins on page 47 of the meeting packet. This year, Boise Public Library owes Ada Community Library \$544,000.

Action: a motion to approve the FY26 Ada Community Library Annexation Compensation Agreement as presented and submit to City Council for final approval will be requested.

c. Library Board Bylaws

Trustees will discuss changes proposed to the Library Board Bylaws due to the passage of House Bill 715 by the Idaho Legislature. Materials to be discussed are on pages 50-54. This is a discussion item only and will be an action item at the June meeting.

8. Old Business

a. Boise Public Library Policy Review:

Section 2.00, Personnel- Action Item

Staff will review recommended changes to policy 2.01, Personnel, included in the meeting packet. Changes to this policy are to align with the passage of House Bill 715 by the Idaho Legislature. A motion to approve the recommended changes will be requested.

Section 5.00, Collection Development & Maintenance- Action Item

Staff will review recommended changes to policy 5.02, Reconsideration of Materials included in the meeting packet. A motion to approve the recommended changes will be requested.

Recommended changes to exhibit 5.02b are also included in the meeting packet. Regulation and exhibit changes do not require the Board's approval and are included for information purposes only.

This continues the Library Board of Trustees annual policy review for Fiscal Year 2026 as stipulated by the Board's bylaws.

9. Selection of Trustee to Review Payment Vouchers

Trustee review for vouchers by Johnson.

10. Selection of Meeting Date

Next regular meeting on Wednesday, June 10, 2026, at the Library! at Hillcrest.

11. Executive Session: IC 74-206 (1)(b) Personnel Matters- Action Item

To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;

12. Adjourn

The meeting location is accessible for those with physical disabilities. Participants may request reasonable accommodation, such as a language interpreter, from the City of Boise to facilitate participation in the meeting. If you require assistance with accommodation, please contact us at CommunityEngagement@cityofboise.org or call (208) 972-8500.

BOISE PUBLIC LIBRARY

Library Director's Report

May 2026

Operations

Hours and Services Status

All locations experienced normal operations during April without the need for adjustments to hours or services for any reason.

Library Board of Trustees

Applications for the open trustee position were accepted from March 30, 2026 to April 24, 2026. Ten applications were received and are now being reviewed to ensure they meet service requirements. We remain on schedule to have a new trustee appointed by the mayor and confirmed by council so that we have five members for the July 2026 meeting.

Citizens for a Library in West Boise

On Thursday, April 16th, Mayor McLean and I met with a group of parents and children organized by Mark Salisbury from the group Citizens for a Library in West Boise. The meeting was at Mark's request to advocate for a Library in West Boise. As part of this, the students presented the mayor, city council members, and board of trustees members with packets of letters from children sharing their support for a West Boise library. The letters provided to Library trustees were scanned and mailed to trustees.

Boise City Council Strategic Planning Work Session

On Tuesday, April 28th Boise City Council held a Strategic Work Session to discuss Library facilities. Key takeaways and next steps from this discussion will be discussed with the board in an upcoming meeting. The discussion can be viewed here: [Boise City Council - Strategic Planning Session](#).

First Floor Renovation Project

On Wednesday, April 15th leaders from the Library Board of Trustees, Boise Public Library Foundation, Friends of the Boise Public Library, and select city staff enjoyed a tour of the Downtown Library's First Floor. Tour participants were able to see construction in process and learn more about the configuration of the renovated space.



In Remembrance

The Boise Public Library sends our condolences to the family of Bev Harad who passed away on April 24, 2026. Bev was a long-time Library supporter who served on the Boise Public Library Foundation and helped raise funds for the Library! at Bown Crossing as well as new investments in technology at all locations. Bev was a passionate champion for public libraries, education, and the community in Boise.

Administration and Management Reports:

Expand Access

- The Library! at Hillcrest hosted a "Hummingbirds of Idaho" program in partnership with the [Golden Eagle Audubon Society](#). Attendees received specially prepared hummingbird nectar kits with instructions for safely feeding hummingbirds and information about plants that attract them.
- From February through April, the Library! at Hillcrest partnered with AARP Tax Aide to offer [free tax preparation](#) services twice weekly in the Hillcrest Front Porch. Over 20 sessions, volunteers completed 788 tax returns for community members.

- Youth Services and Hillcrest staff volunteered at [Idaho Battle of the Books](#) tournaments, supporting more than 100 teams during literary quiz bowl competitions and author visits with [Jennifer Yu](#) and [Jon Schu](#). A Youth Services librarian also serves on the Idaho Battle of the Books steering committee.
- Librarians from Youth Services and Home-based Services partnered with Boise Parks & Recreation's [Social Adventure Club](#) to offer three programs designed to help adults with developmental disabilities become more comfortable using library spaces, checking out materials, and accessing library services.
- The Library! at Cole and Ustick partnered with Meridian Library District staff to visit the [South Boise Women's Correctional Center](#), a treatment and transition facility for women. During the visit, staff demonstrated how to navigate the library website, access continuing education resources, and search for materials to check out. According to the [Idaho Justice Project](#), "Idaho's incarceration rate for women has skyrocketed by over 5,000% since 1980, with the state now having the *highest rate of female incarceration in the nation.*", underscoring the importance of outreach and access to educational resources for this population.

Increase Impact

- From October through May, librarians from the Library! at Cole and Ustick and the Library! at Hillcrest visited 16 preschool classrooms as part of the [My First Books](#) program. Each month, librarians delivered books to 242 children at schools in the community. Program materials are funded through the [Idaho Commission for Libraries](#) (ICFL) using Institute of Museum and Library Services (IMLS) funds.
- Youth Services librarians participated in the City's America 250 Family Trivia Night at Jack's Urban Meeting Place (J.U.M.P.), where they hosted the ExciteTrike and led a hands-on activity creating Idaho giant salamanders from clay.
- Youth Services staff hosted 16 class visits, welcoming students from Foothills, Kuna, Sage, and Whittier schools.
- Bown Crossing staff presented book talks at Riverside Elementary and Dallas Harris Elementary and participated in STEM Night at White Pine Elementary. Additionally, they provided storytime programming for the [City of Boise Earth Day Celebration](#) at the Watershed.
- The [Morley Nelson Community Center](#) Reading Group celebrated the end of the school reading year with support from the Library! at Cole and Ustick, including library trivia, treats, and prize packs for participating students.
- A Cole and Ustick librarian visited a second-grade class at Valley View Elementary to share stories, introduce library services, and engage students in interactive activities.

Optimize Resources

- Due to construction at the Downtown Library, Youth Services expanded Community Helpers Storytimes to Ann Morrison Park, providing two additional outdoor storytime events this year.
- Bown Crossing staff reorganized public floor shelving to improve access to the information and circulation desk. The redesign also increased collection space and improved traffic flow throughout the library.
- The Cole and Ustick branch manager and Youth Services manager attended the [Public Library Association Conference](#) in Minneapolis. Highlights included keynote speaker [Bryan Stevenson](#), networking with Idaho library staff, and sessions focused on leadership, programming, partnerships, and audience-specific services.
- Staff from Information Services and Cole and Ustick attended the joint [Pacific Northwest Library Association/Oregon Library Association Conference](#) in Portland, Oregon. The conference included a visit to the Vancouver Community Library to learn more about teen services. Staff attended sessions on integrating social-emotional learning ([SEL](#)) into Dungeons & Dragons programming and strengthening teen volunteer engagement in library services and programs.

Measure Value

Monthly Email Newsletter: [April](#)

- Sent April 1, 2026, 14,806 successful deliveries
- Content included:
 - New newsletter name, “Between the Stacks”
 - BPL Seeks New Board of Trustee
 - Author Visit – Randy’L Teton
 - Writer-in-Residence Don Zancanella
 - America 250 reading lists
 - Community Helpers Month
 - Rebel Readers
 - Hummingbirds program
 - LOTE4Kids
 - Friends of the Boise Public Library Spring Sale
- 37.12% opened/read the newsletter (5,496 out of 14,806 successful deliveries) / Click-through Rate 24% (1319)
 - Suggested reads for Women’s History Month, curated by Boise Public Library
 - “Living Legacies & Changemakers” First Thursday
 - Profile on BPL’s Community Resource Coordinator and a Social Worker.
 - Community Care Navigators program
 - Writer-in-Residence Kim Cross Workshop/Culminating Event
 - Volunteer Fair at the Library! at Cole and Ustick
 - National Red Cross Month events
 - Chilton Digital Resources
- 36% opened/read the newsletter (5,345 out of 14,754 successful deliveries) / Click-through Rate 5.58% (298)

Ultimate Book Nerd Newsletter: [April UBN](#)

- Sent April 16, 2026, 1,403 successful deliveries
- 64.72% opened/read the newsletter (908 out of 1,403 successful deliveries) / Click-through Rate 8.15 (74)

Other Notable Marketing and Communication Updates for April

- Press Release issued re: \$15,000 grant from the Urban Libraries Council
- Press Release issued regarding the Downtown Library closure for Electrical Work
- Pitched a story to NPR on the work BPL is doing to help Downwinders with the Radiation Exposure Compensation Act
- Issued the Summer Program Guide
- [Launched the Reading Programs web page](#) and the [Radiation Exposure Compensation Act web page](#)
- Finalized, announced and trained staff on the new Boise Public Library primary logo, new color palette and updates to the Style Guide. Increasing accessibility of Library communications is the main reason for the changes.



Media Coverage

Urban Library Council \$15k Grant to Boise Public Library

- KTVB – \$33,257 in value

Radiation Exposure Compensation Act

- NPR

Author Visit – Randy’L Teton

- Fox – \$2,265 in value
- CBS 2 News – \$7,058 in value

Downtown Closure

- Fox – \$7,750 in value
- [Idaho Statesman](#) – \$3,195 value
- [KIVI](#) – \$134 value
- CBS 2 News – \$18,468 in value

West Boise Branch

- [The Idaho Statesman](#) – \$3,215 in value

Library! at Cole and Ustick Bird Safe Windows

- [Boise State](#) – \$2,430 value

DOWNTOWN LIBRARY IMPROVEMENTS, COLE & USTICK BOOK SORTER & LIBRARY FACILITIES PLANNING PROJECT STATUS REPORT

Project Start Date:	Summer 2022	Estimated Finish Date:	Ongoing
Project Manager:	Lindsay Erb Jessica Rodriguez	Department:	Library

PROJECT STATUS:

Period Covered:	April 2026
Project Highlights	<ul style="list-style-type: none"> • Downtown Library will close May 3rd – May 12th to facilitate installation of new electrical switch gear • Cost/Scope Finalization in Progress: <ul style="list-style-type: none"> ○ Infrastructure & Safety: Full fire alarm system upgrade and geothermal heat exchanger. ○ Compliance & Remediation: Additional asbestos abatement and insulation modifications. ○ Program Enhancements: Addition of a dedicated lactation room. • Library Facility Plan ongoing presentations with City Council. Presentation provided 04.28.26: Received affirmed direction on next steps for facility planning efforts and council priorities.
Project Summary	<p>Downtown Library Improvements: A multi-year program of projects to extend building life by 20+ years.</p> <ul style="list-style-type: none"> ▪ Status: 1st floor renovations and deferred maintenance are on track for completion by Fall 2026. ▪ Upcoming: Parking lot replacement is slated for FY 2027. <p>Bown Crossing Library: Implementation of operational and safety upgrades, including a new book auto-sorter and bird strike mitigation.</p> <ul style="list-style-type: none"> ▪ Status: Equipment is ordered; installation is anticipated for June 2026. <p>Library Facilities Master Planning: A long-term strategic plan to guide future decisions on location, sizing, and staffing for the next two decades.</p> <ul style="list-style-type: none"> ▪ Status: The Master Facility Plan is currently in final review with the City Council and Library Board.
DOWNTOWN LIBRARY IMPROVEMENTS UPDATE	<p><u>1st Floor Renovations and Deferred Maintenance:</u></p> <ul style="list-style-type: none"> ✓ Project Scope: Includes 1st story portion of building only which includes renovations to information desk, Hayes auditorium, collections, and youth services areas. ✓ Deferred maintenance / building systems upgrades scope includes updates and modifications to the existing mechanical, electrical, plumbing, and fire alarm. <p>Status:</p> <ol style="list-style-type: none"> 1. Furniture Planning is ongoing.

2. Exterior Facade and Window improvements, low bid accepted and GMP #10 is being prepared.
3. 5/3/2026-5/12/2026 - Building closed for electrical gear switch over

Major Parking Lot Replacement

- ✓ Project Scope: Includes replacing existing parking lot storm drainage system and reconfiguring vehicular access, circulation, parking, bike / pedestrian traffic, geothermal line replacement feeding library, landscaping, and site amenities (Book Drop location).
- ✓ South end of parking lot – completed per status update below.

Status:

1. The Design Team has successfully resumed work from the end of the Schematic Design phase and plans to submit to Design Review (DR) in June, with permit submission targeted for the fall.
2. Idaho Power will cover the cost of providing and locating the new transformer.
3. Construction is scheduled to begin in April 2027.

Brick repairs/ Window Replacements

- ✓ Project Scope: Repair exterior cracks in mortar & window replacement for 2nd – 4th floors.

Status:

1. Preparation of GMP #10 is underway. Work can begin immediately upon approval of the GMP.

Elevator Upgrades – 4 story

- ✓ Project Scope: Replace elevator in 4 story with an MRL traction system.

Status:

1. Schindler purchasing contract is finalized. The process from engineering through installation is anticipated to take approximately six months.
2. Elevator demolition is expected to begin in June 2026.

Scope: Installation of new book auto sorter. Scope has been expanded to include bird strike mitigation and new information desk.

Status:

- AutoSorter installation has been scheduled for June 2026
- Bird Strike Mitigation contract initiated
- The new information desk layout and configuration are currently being refined in coordination with Interior Solutions.

**LIBRARY FACILITIES
PLANNING
UPDATE**

Scope: Assess space utilization, develop and implement a community engagement process to ensure alignment with strategic planning goals and the community, develop recommendations/ alternatives to close the gap with cost estimates, develop various models for new facilities including recommended approach and locations, sizes, and types which includes options for phasing and preparing a 20-year implementation schedule.

Status:

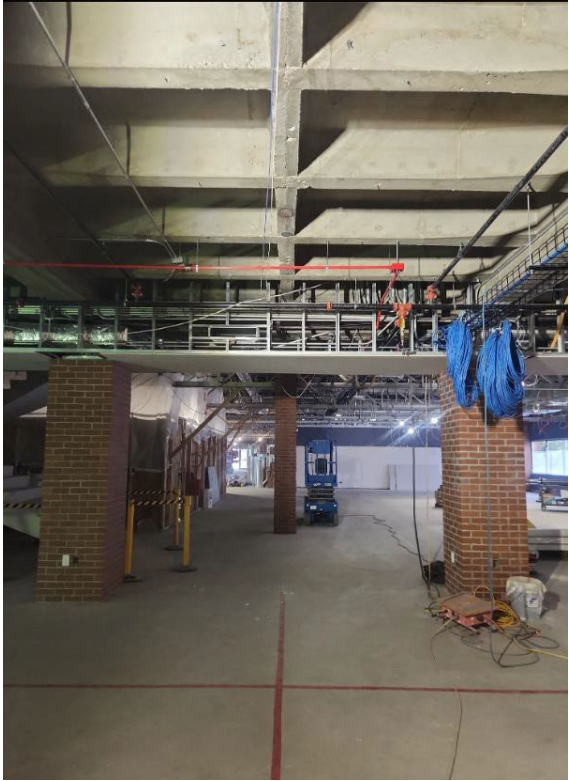
- Facility Plan reviewed in joint Board and Council meeting. Council has asked for additional information from Public Works and Library.

PROJECT COMPONENTS:

Scope	Public Works is continuing to review the program of projects to determine proper prioritization based on the information provided in the condition assessment report, efficiencies, and budget.
Budget	The budget will continue to be monitored as we receive estimates and bids to determine the work that can be completed this fiscal year. We have City contingency set aside for each project to ensure we have funding for any potential change orders during construction.
Schedule	Project team is currently evaluating mitigation strategies to maintain the Fall 2026 completion target for the Downtown renovations.
Risks	Construction market challenges, including finding multiple bidders and pricing. 1 st floor renovation project will include deferred maintenance and full electrical replacement for the building. Electricians are in high demand with large scale projects under construction in the valley. Pending tariffs could cause spikes in construction costs.
Resources	

SCOPE MANAGEMENT:

Status	Discussion
Accomplished	Downtown Library: <ul style="list-style-type: none">• Auto sorter room construction• Roof replacement & lighting upgrades along parapet• 4th floor & partial 1st floor tenant improvement• Minor Parking Repairs• East & West stair railing work• Visioning work to establish alignment for interior design materials & finishes• Fire pump replacement• Restroom/ plumbing construction work (1st through 4th floors- 4 Story Portion)
Planned	Downtown Library: <ul style="list-style-type: none">• 1st floor renovations and building systems upgrades• Exterior brick repairs/ window replacements• Major parking lot replacement• Elevator Replacement







Library!

BOISE PUBLIC
Library!



BOISE PUBLIC LIBRARY

Library Statistics Report to the Board of Trustees | May 2026

In-Person Visits

236,398

YTD through Last Month

57,454

Prior Month

62,572

Prior Month Prior Year

-8%

Month Percent Change

406,561

YTD Fiscal

449,523

LastYTD Fiscal

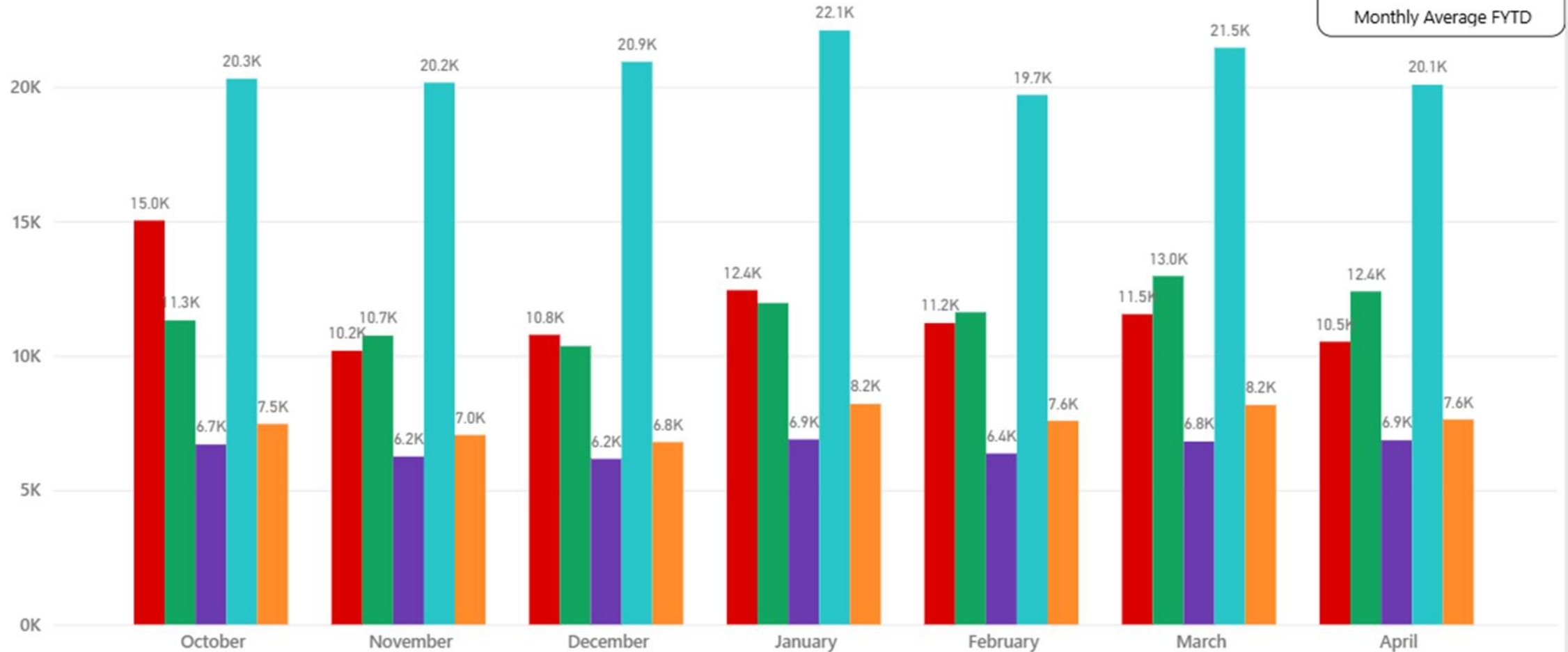
-10%

YTD Percent Change

In-Person Visits Fiscal Year 26

● Bown Crossing ● Cole & Ustick ● Collister ● Downtown ● Hillcrest

58,080
Monthly Average FYTD



57,454

Prior Month

62,572

Prior Month Prior Year

-8%

Month Percent Change

406,561

YTD Fiscal

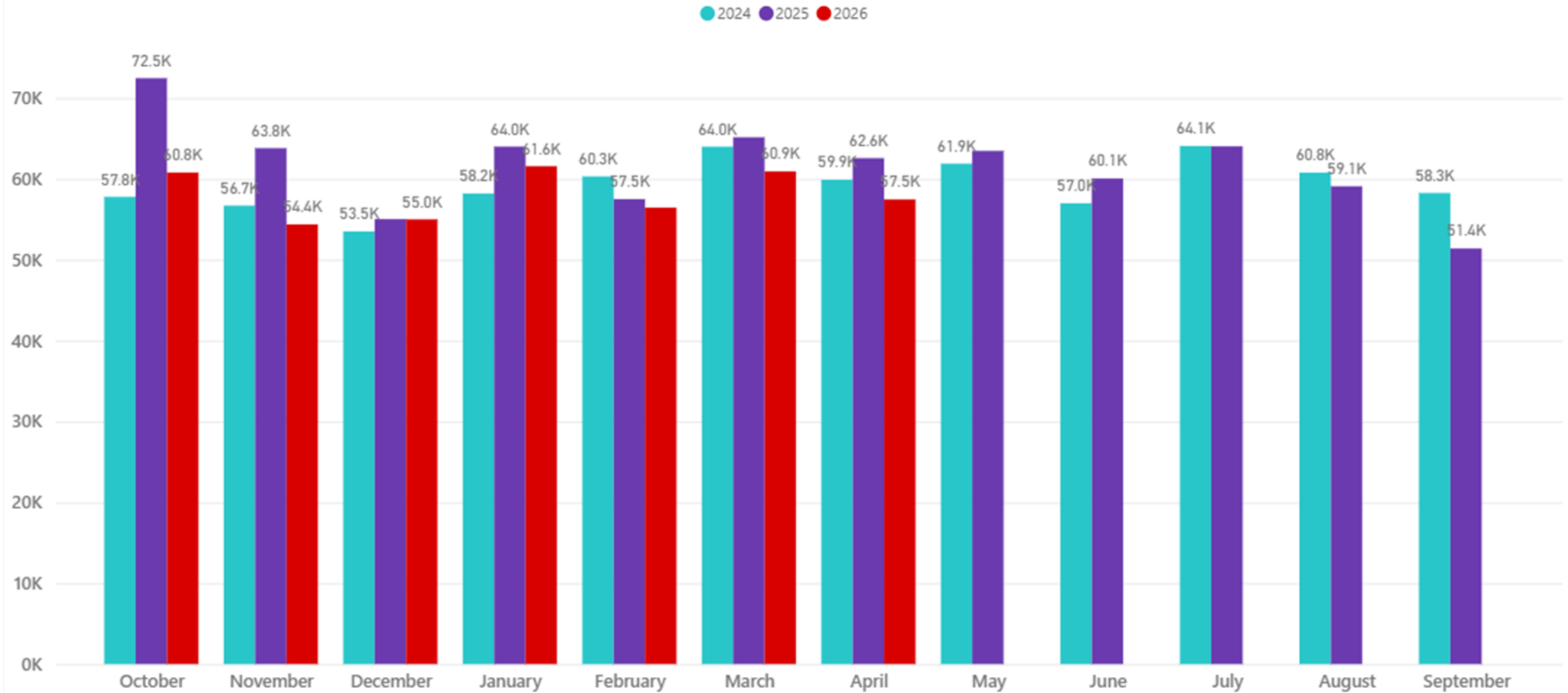
449,523

LastYTD Fiscal

-10%

YTD Percent Change

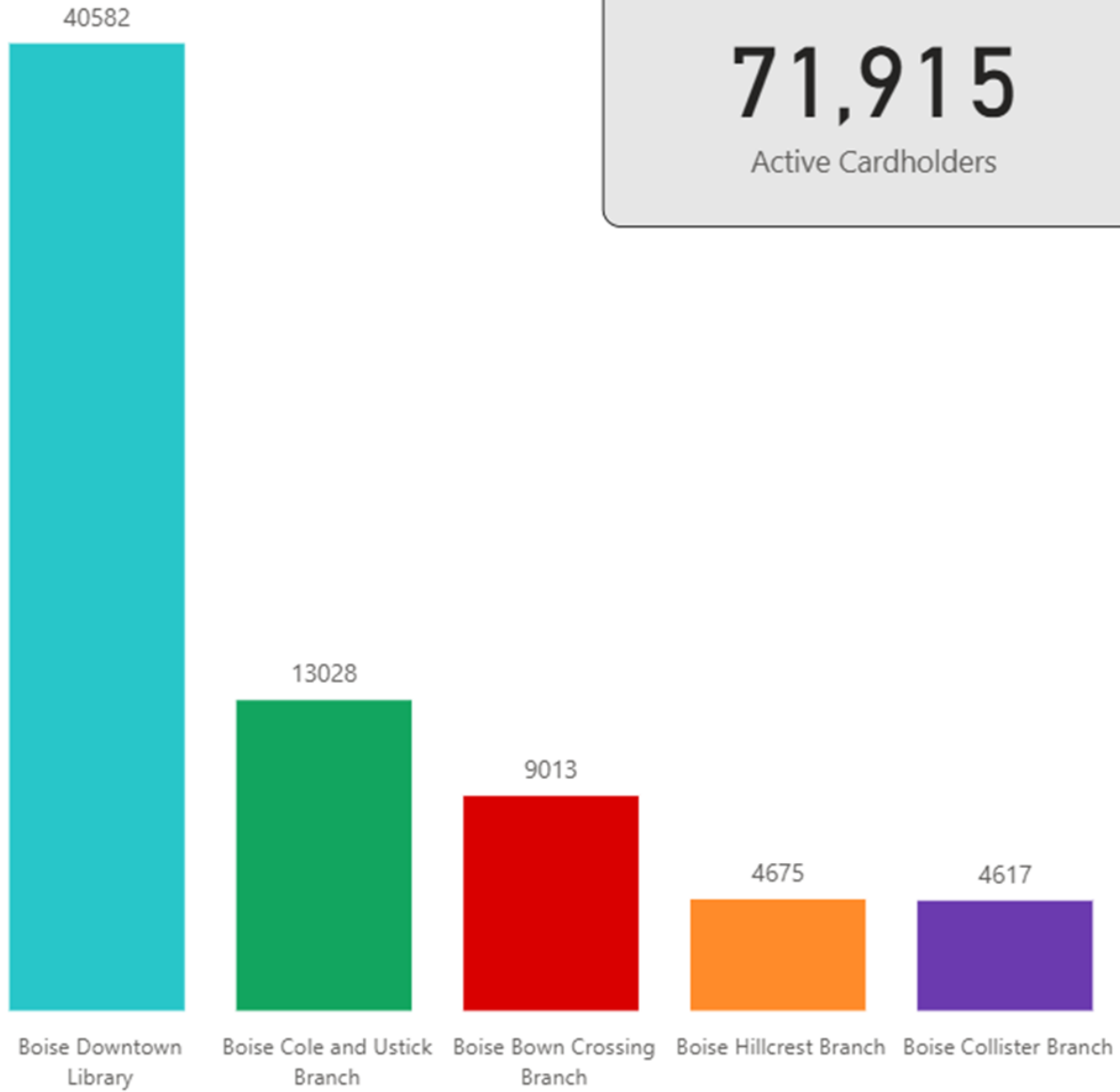
Total In-Person Visits by Year



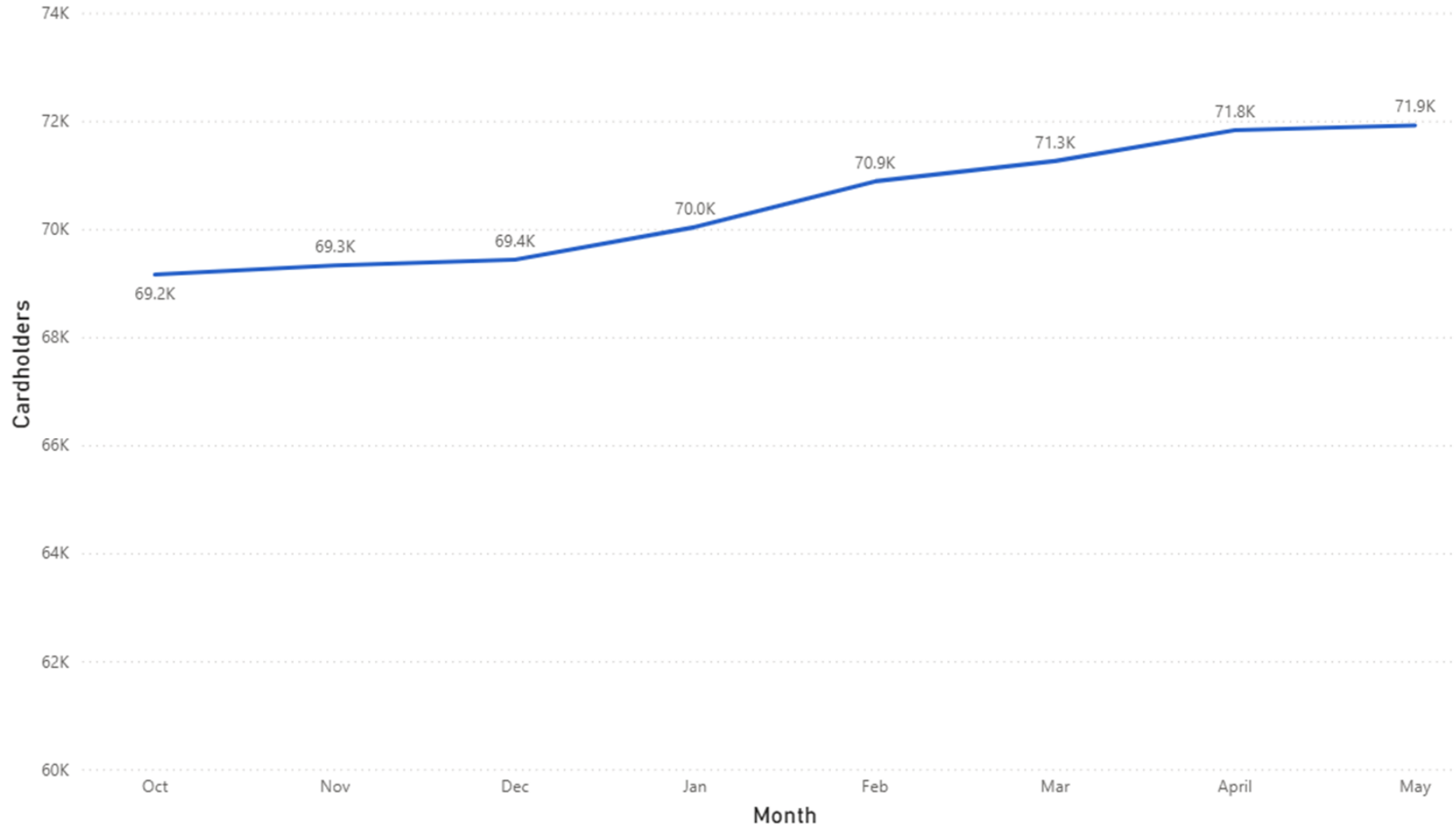
Active Cardholders

Definition: An active cardholder is a library user who currently has a valid unexpired card and can checkout books or use other library services

Active Card Holders



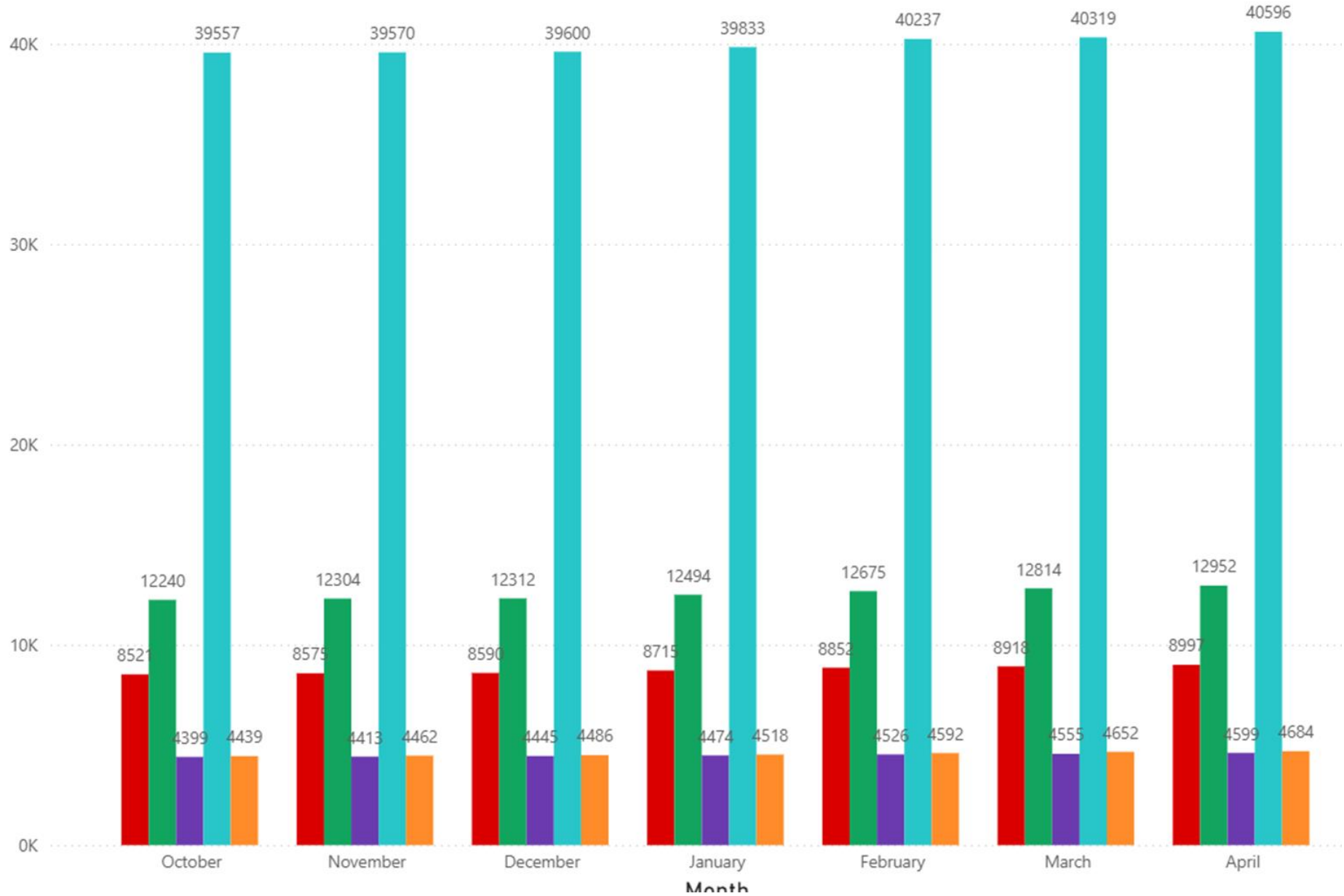
Cardholders by Month FY26



Active Cardholders by Month and Branch



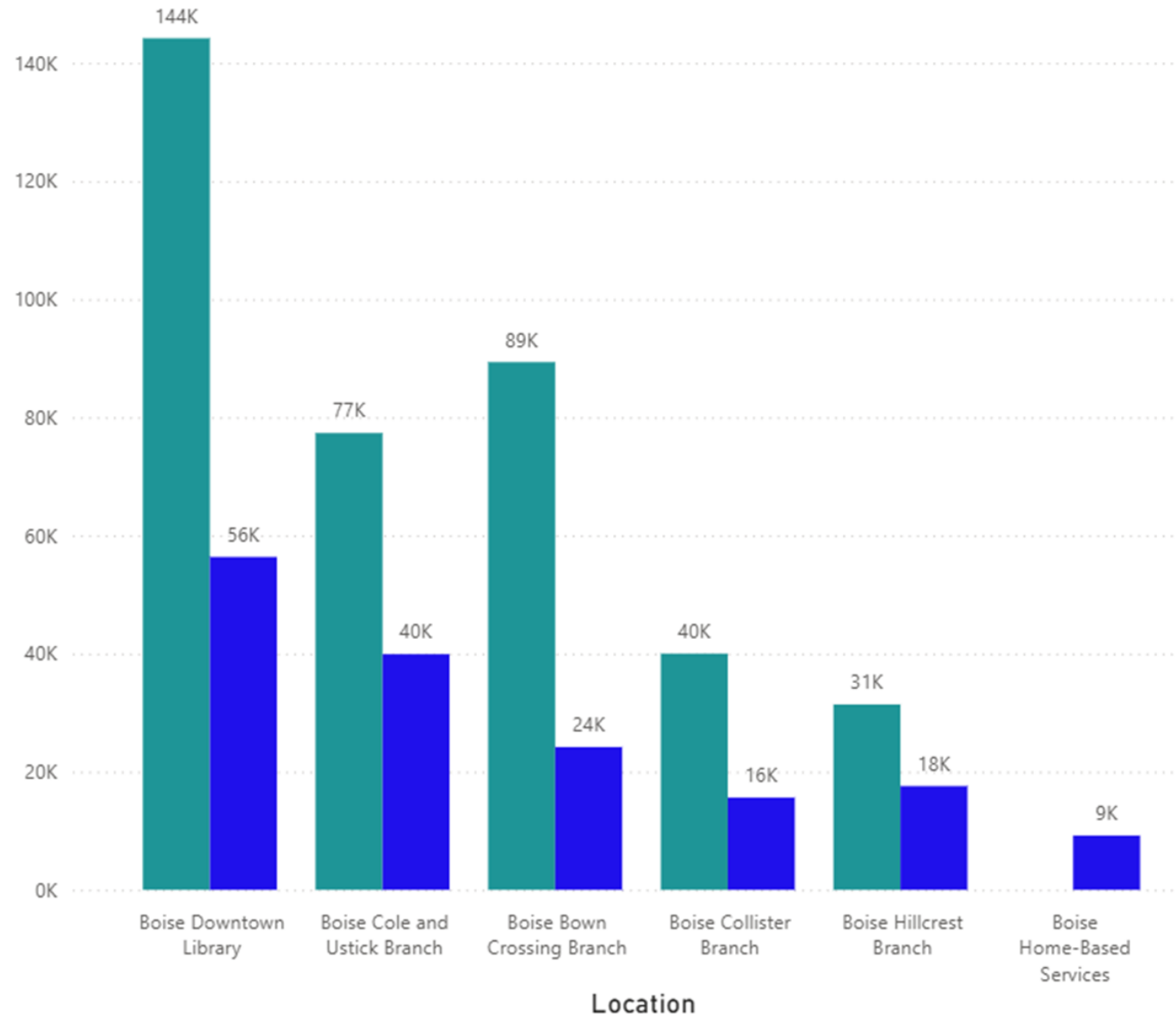
Branch ● Bown Crossing ● Cole and Ustick ● Collister ● Downtown ● Hillcrest



Physical Circulation

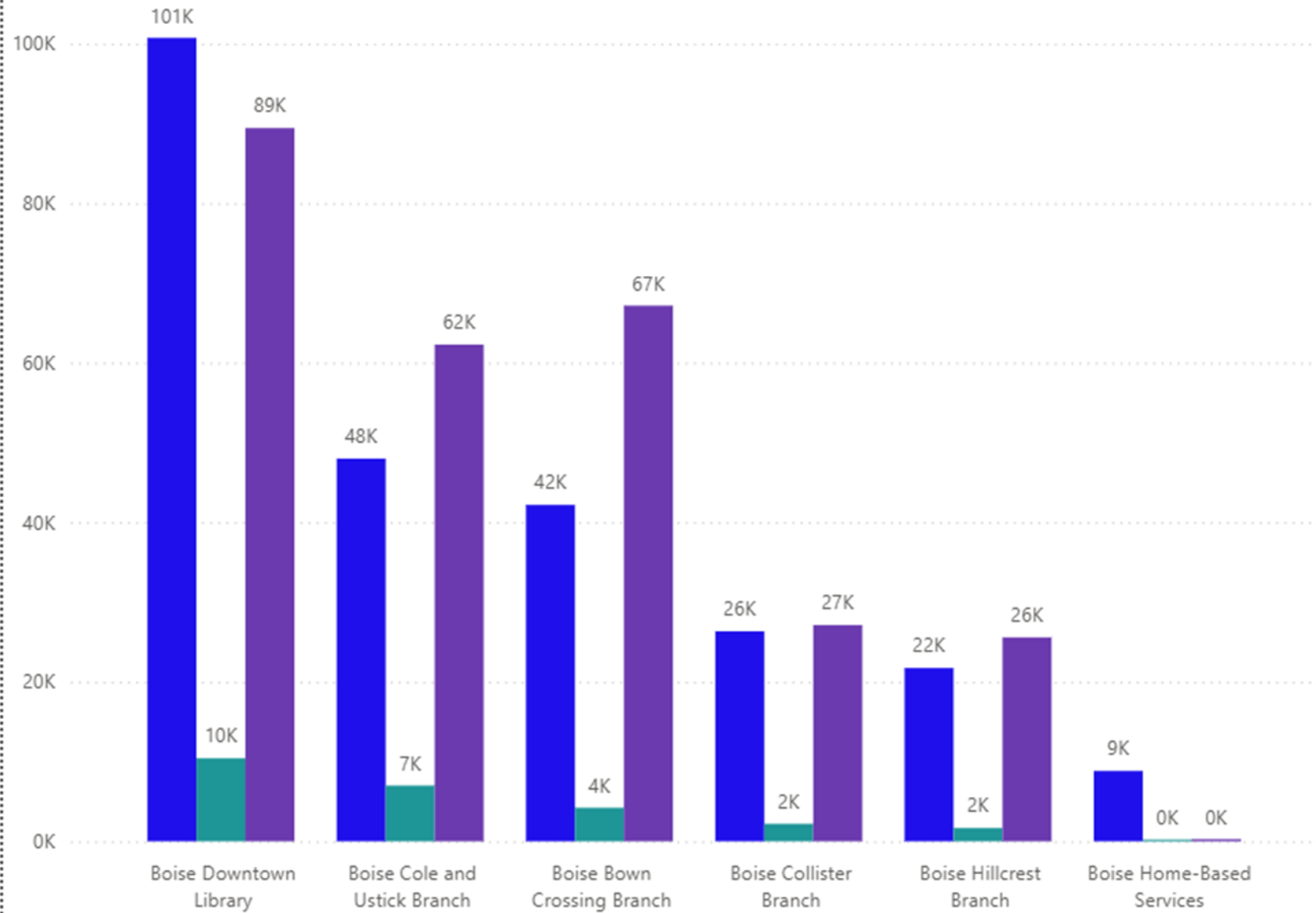
Physical Circulation FYTD26 by Location

Checkout Type ● Self Checkout ● Staff-Assisted

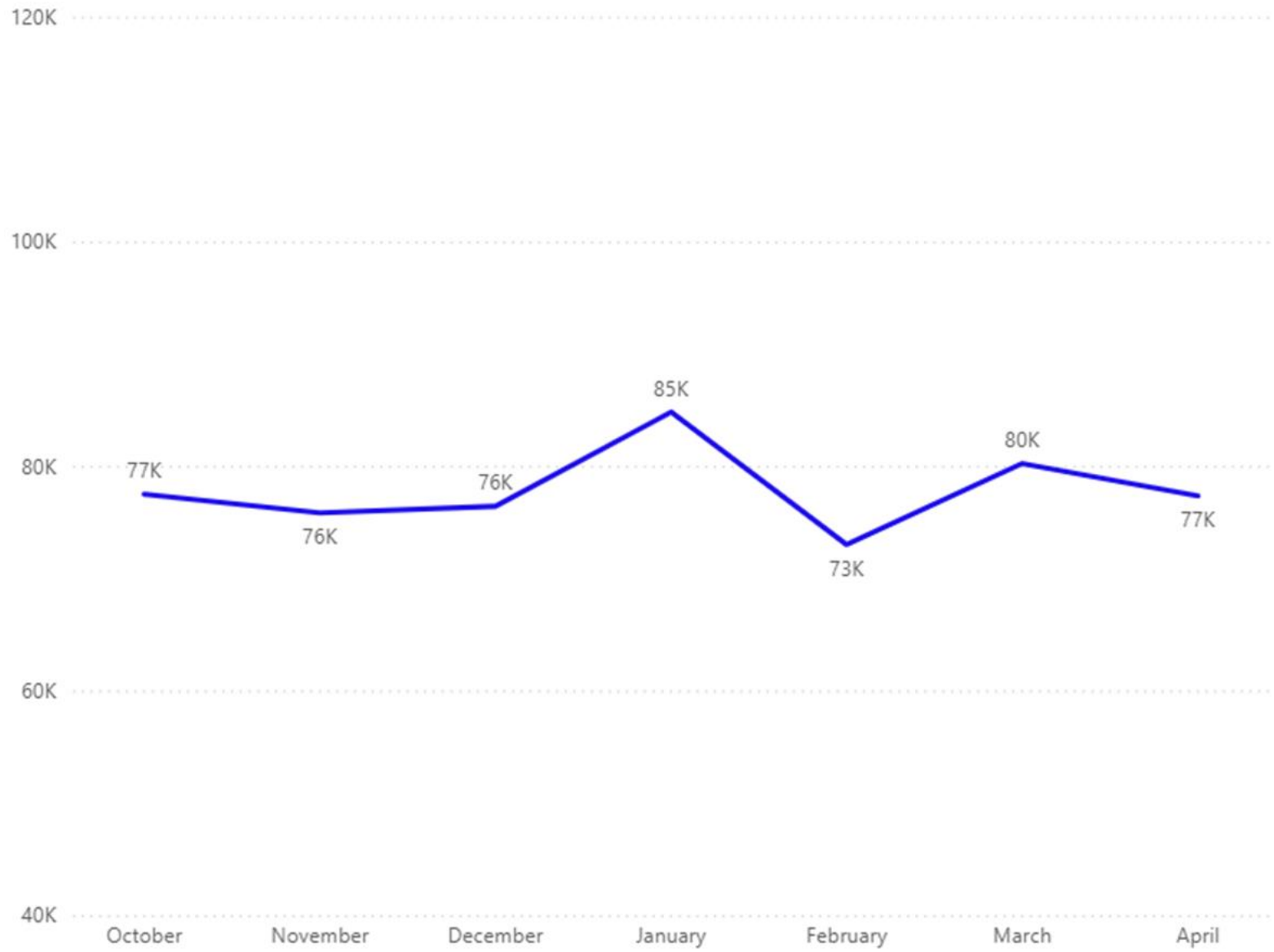


Physical Circulation by Audience FYTD '26

Audience ● Adult ● Teen ● Youth

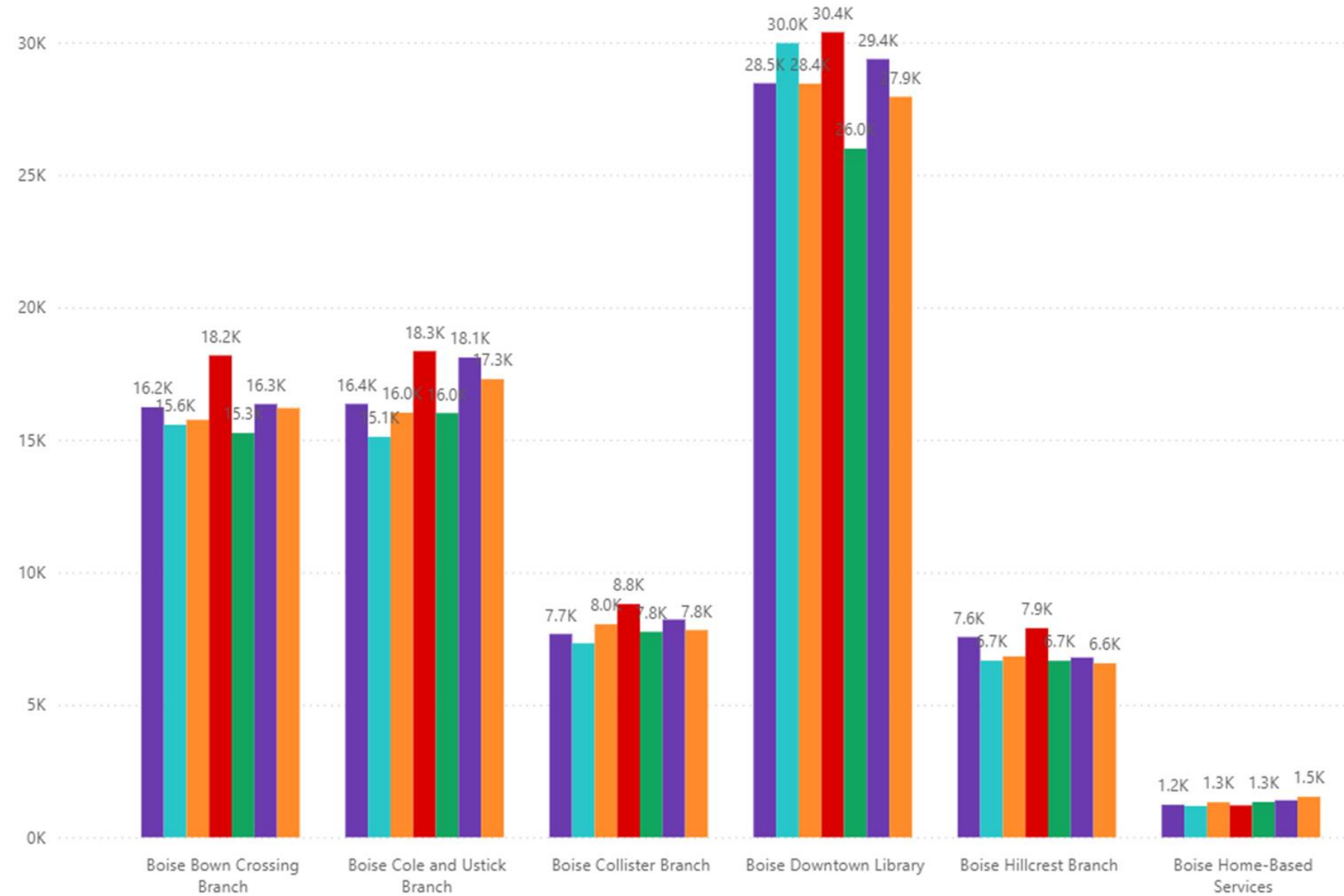


Physical Circulation - Fiscal Year '26



Physical Circulation for Fiscal Year '26

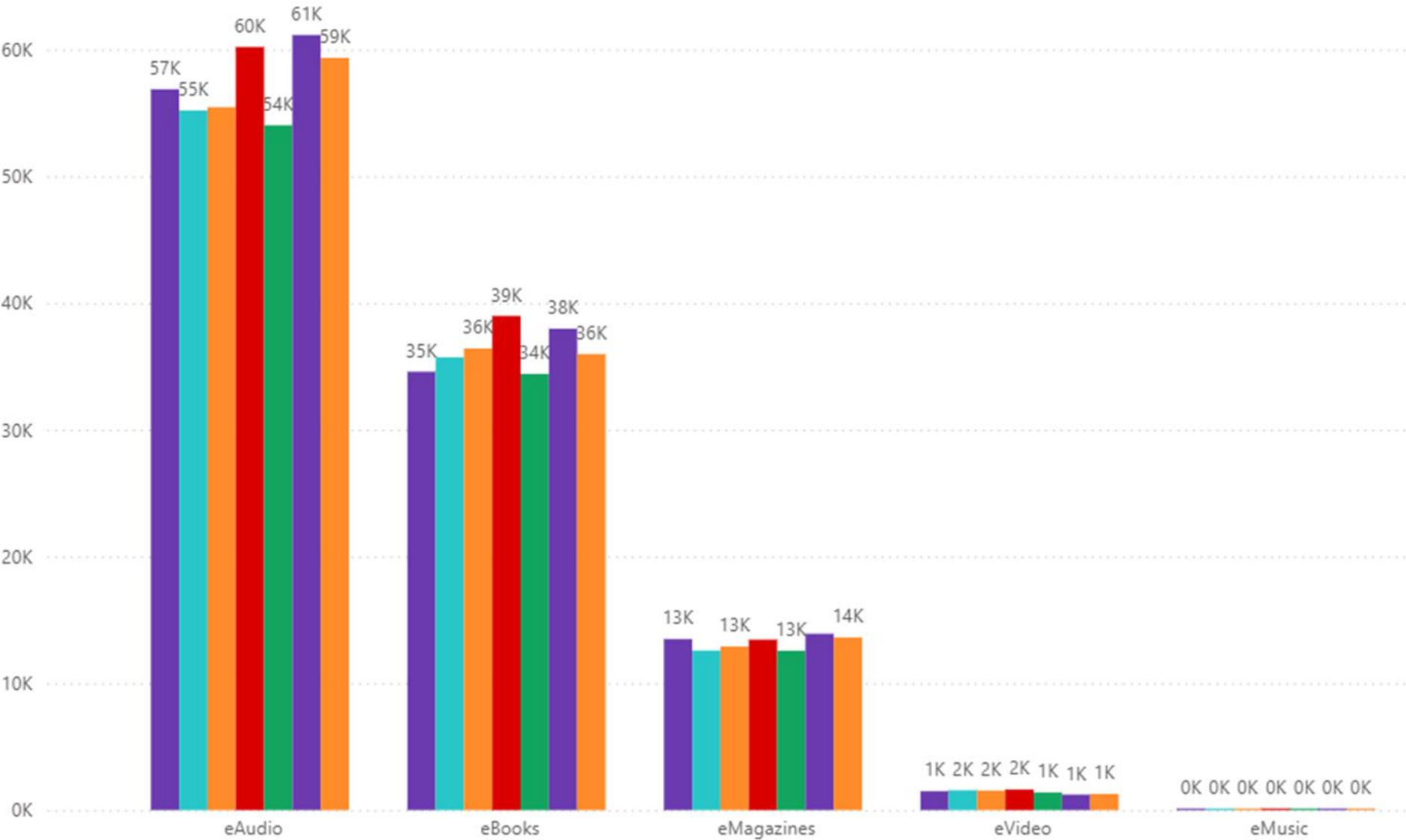
Month ● October ● November ● December ● January ● February ● March ● April



Digital Circulation

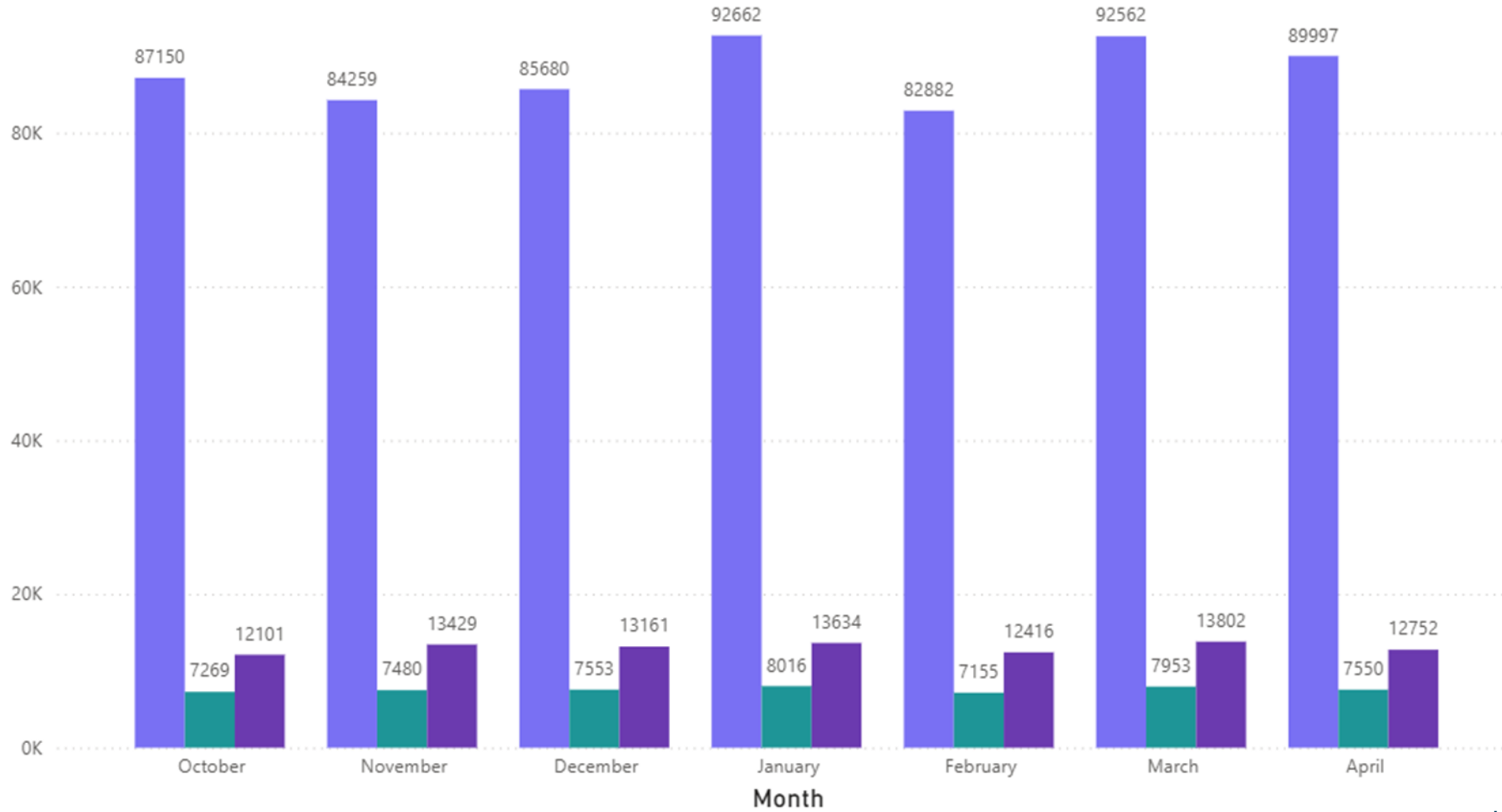
Digital Circulation by Format FY '26

Month ● October ● November ● December ● January ● February ● March ● April

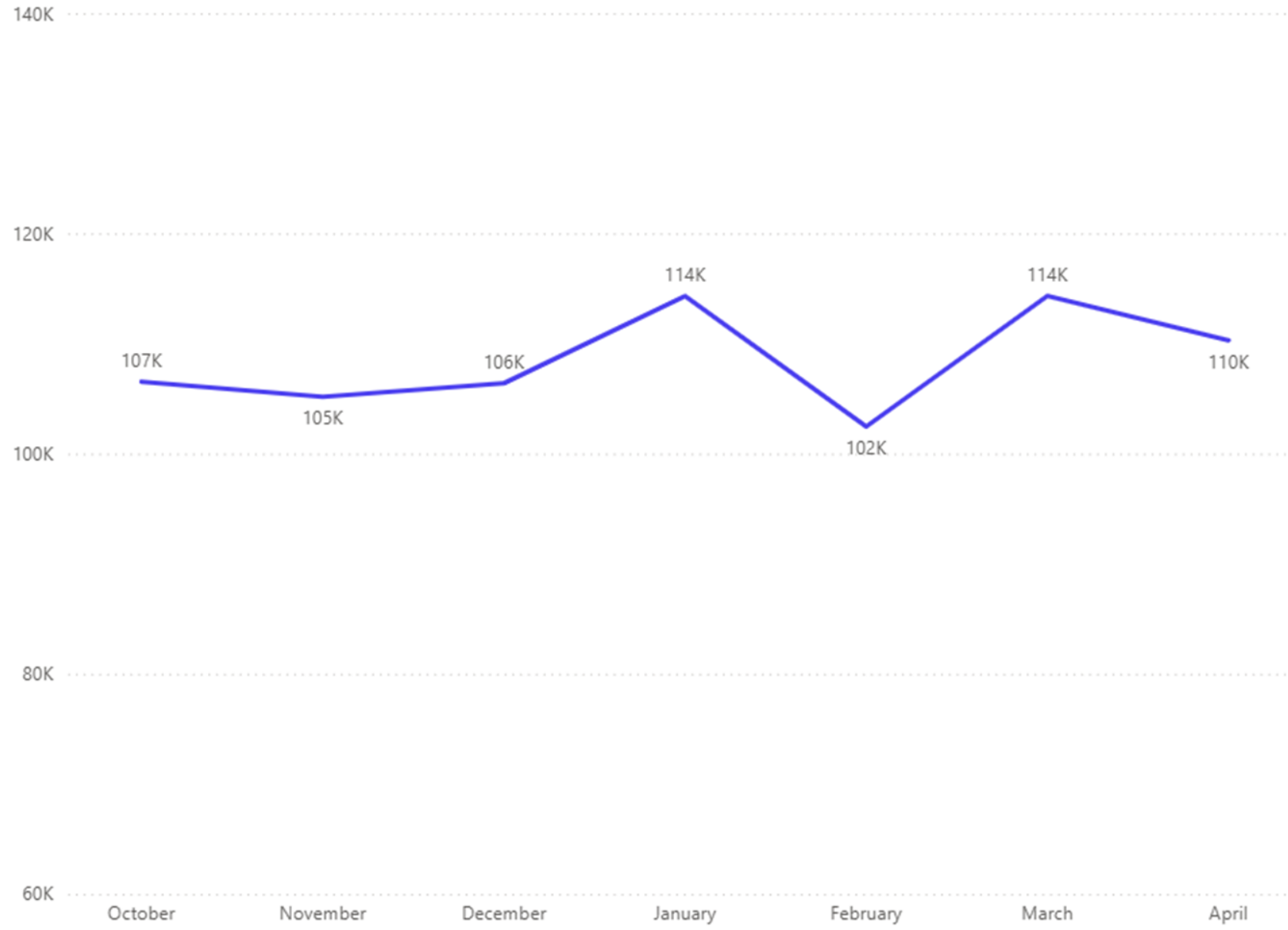


Digital Audiences by Month - FY26

Audience ● Adult ● Teen ● Youth



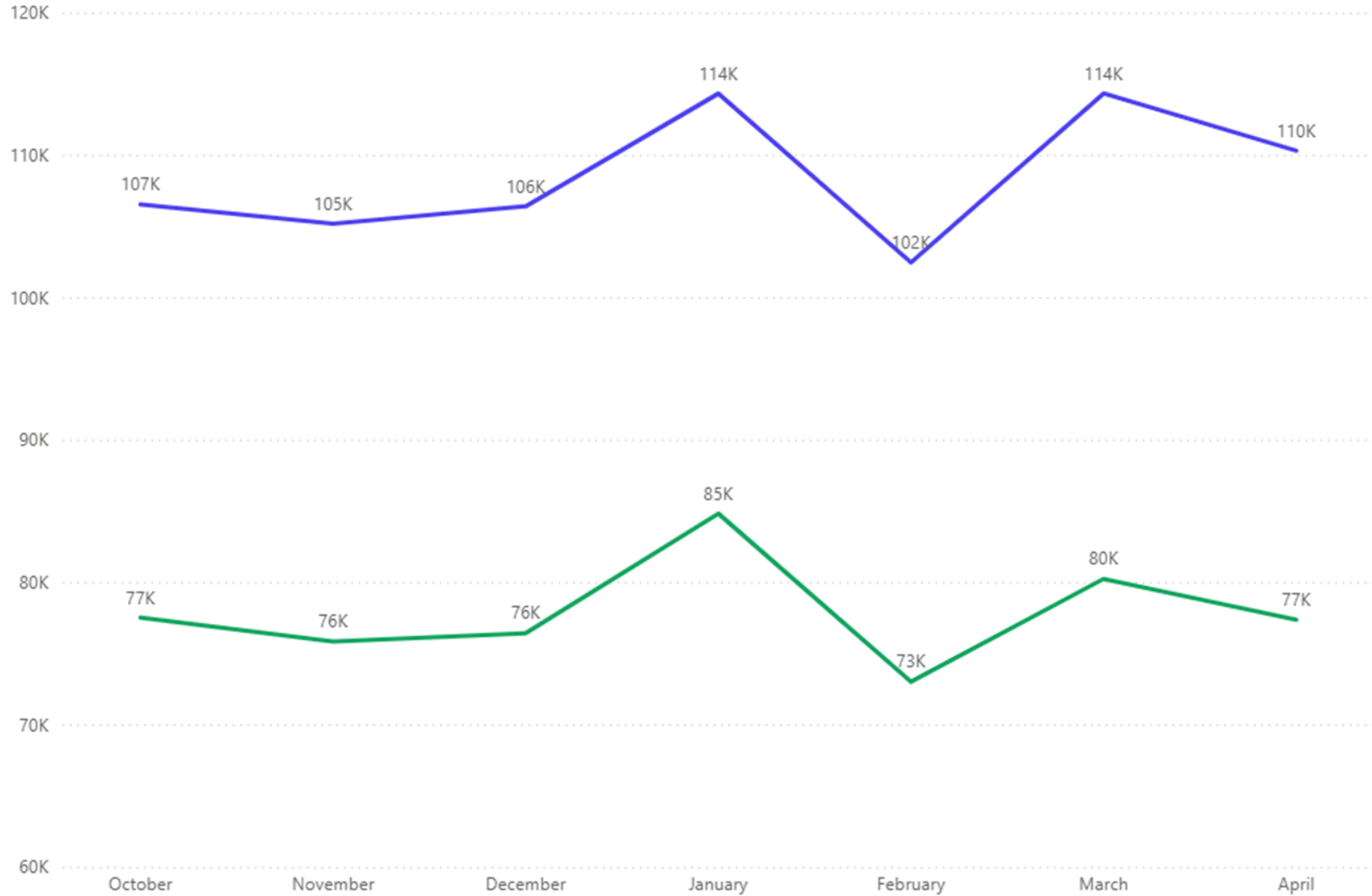
Digital Circulation by Month - FY26



Digital and Physical Circulation

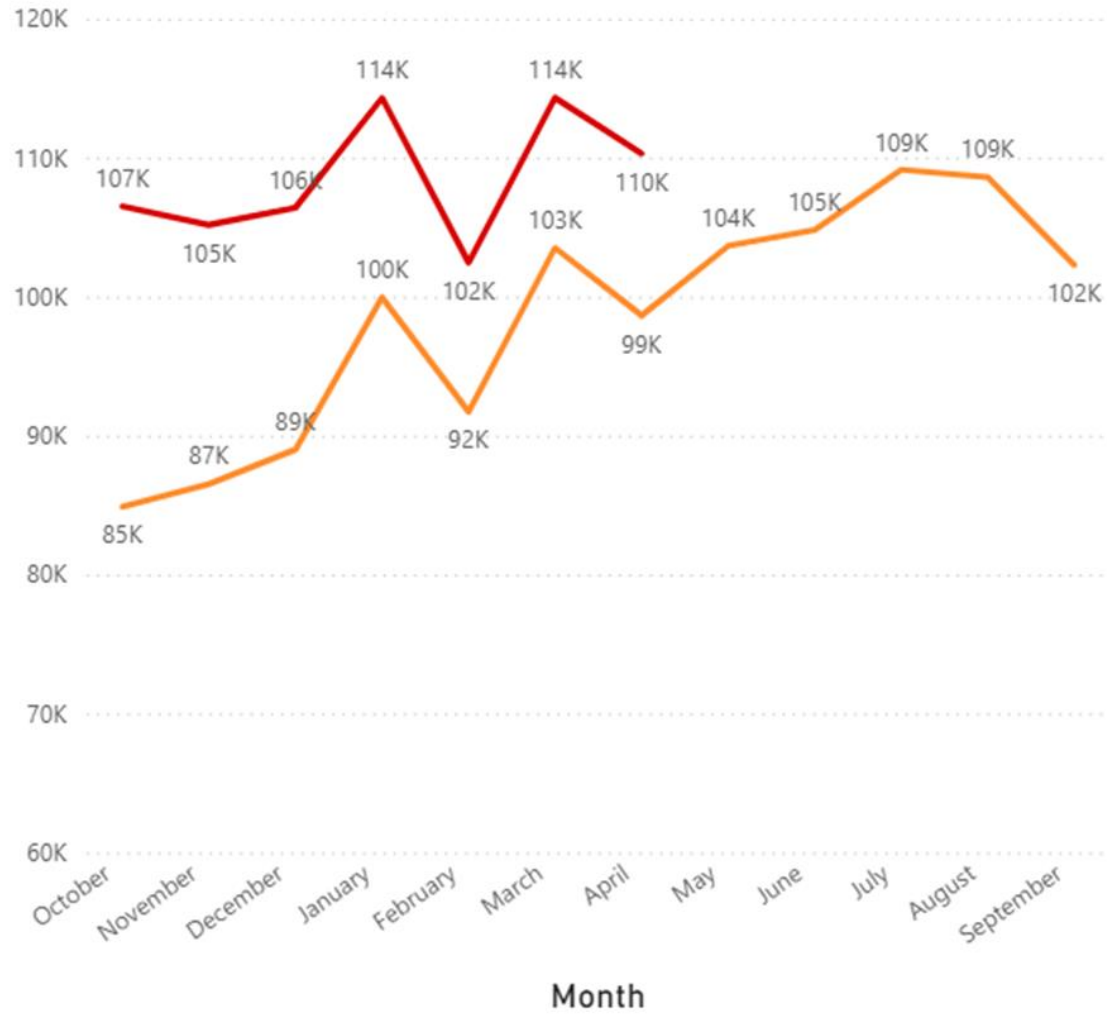
Physical and Digital Circulation FY26

● Digital ● Physical



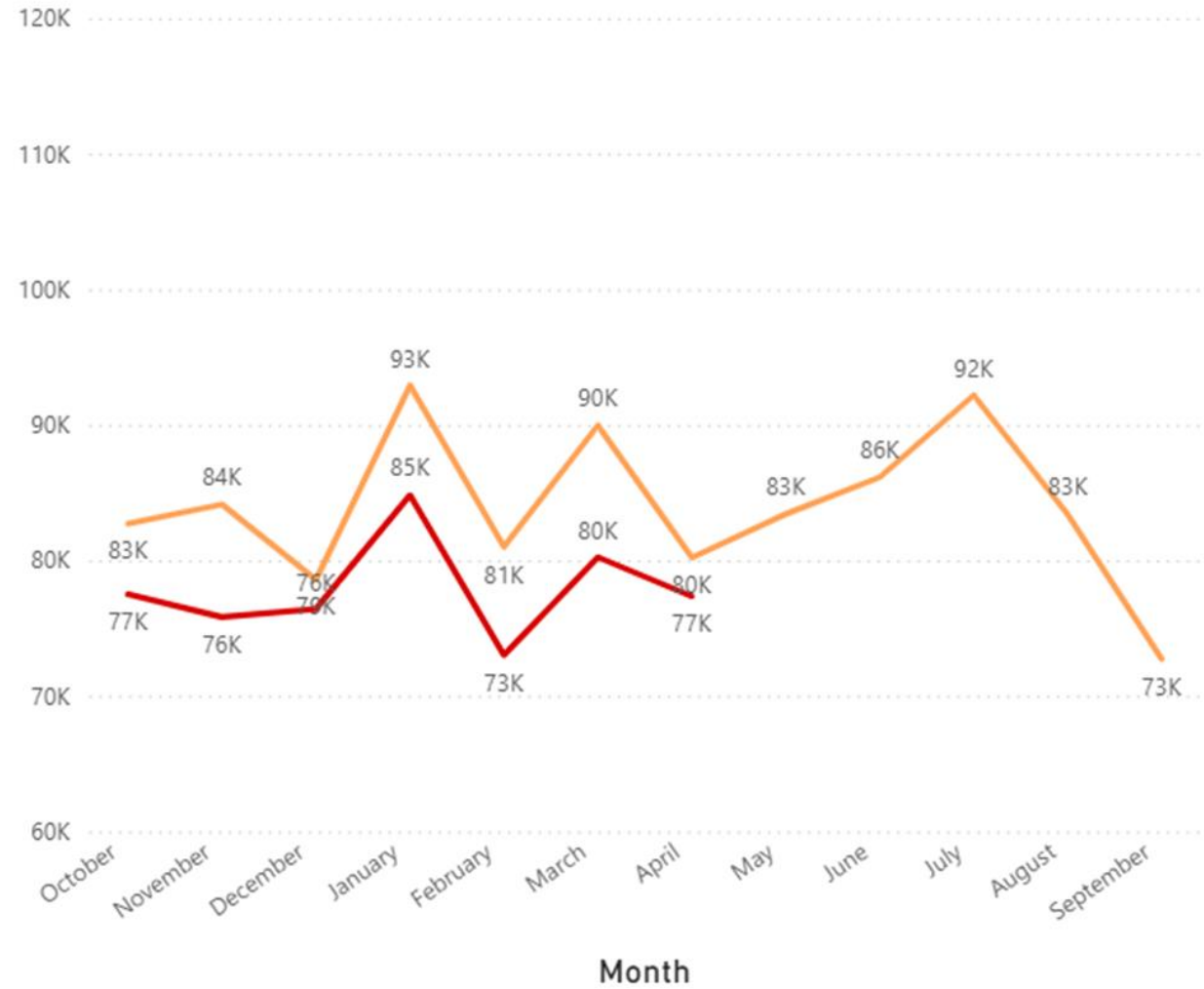
Digital Circulation Historic

FiscalYear ● 2025 ● 2026



Physical Circulation Historic

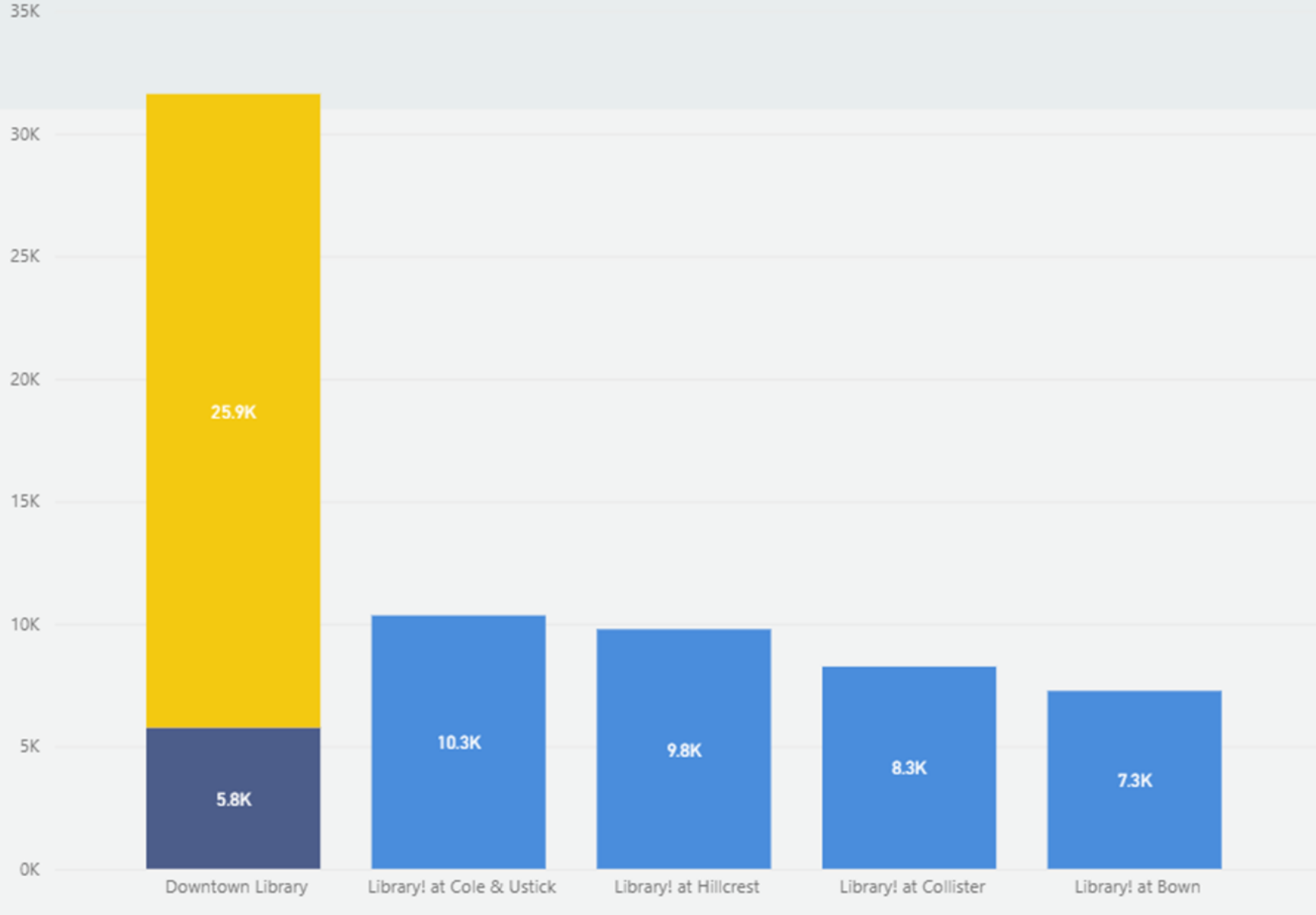
FiscalYear ● 2025 ● 2026



Reference

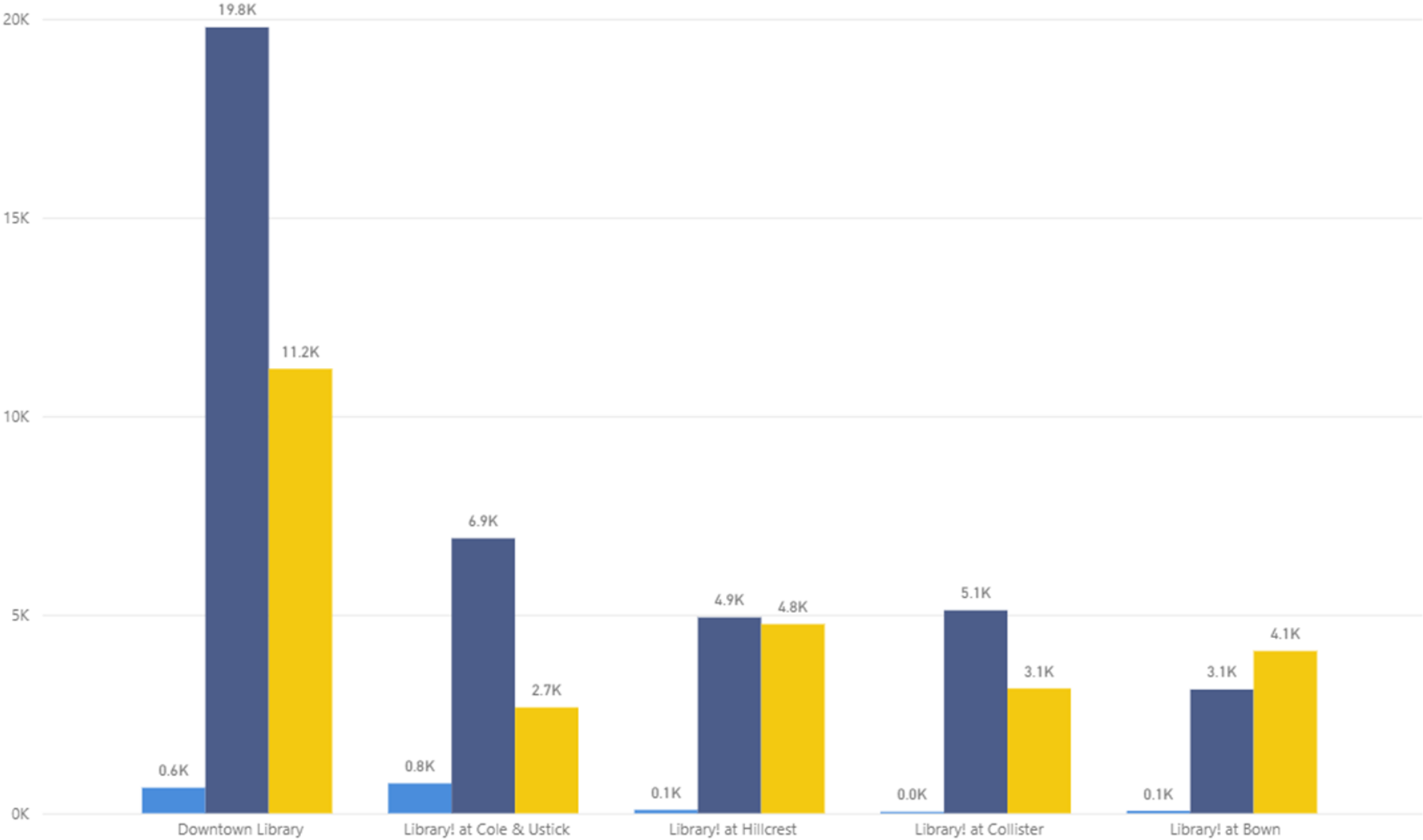
Question Count by Desk and Location FY26

Location ● Desk ● Greeter 2nd ● Greeter 3rd ● Info Services



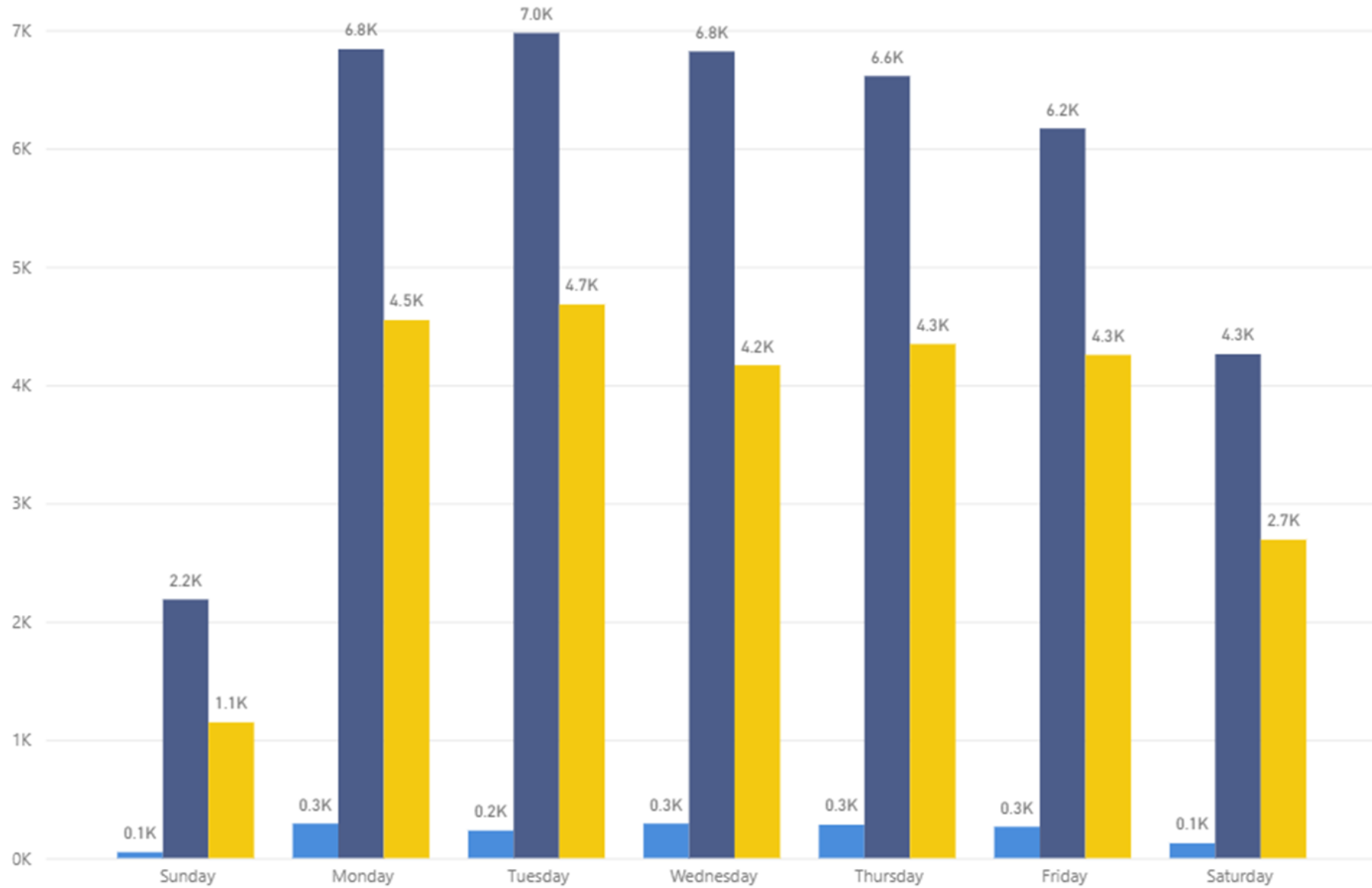
Question Type by Location FY26

Question Kind ● Curbside Holds Pickup ● Directional ● Reference



Question Type by Day of Week FY26

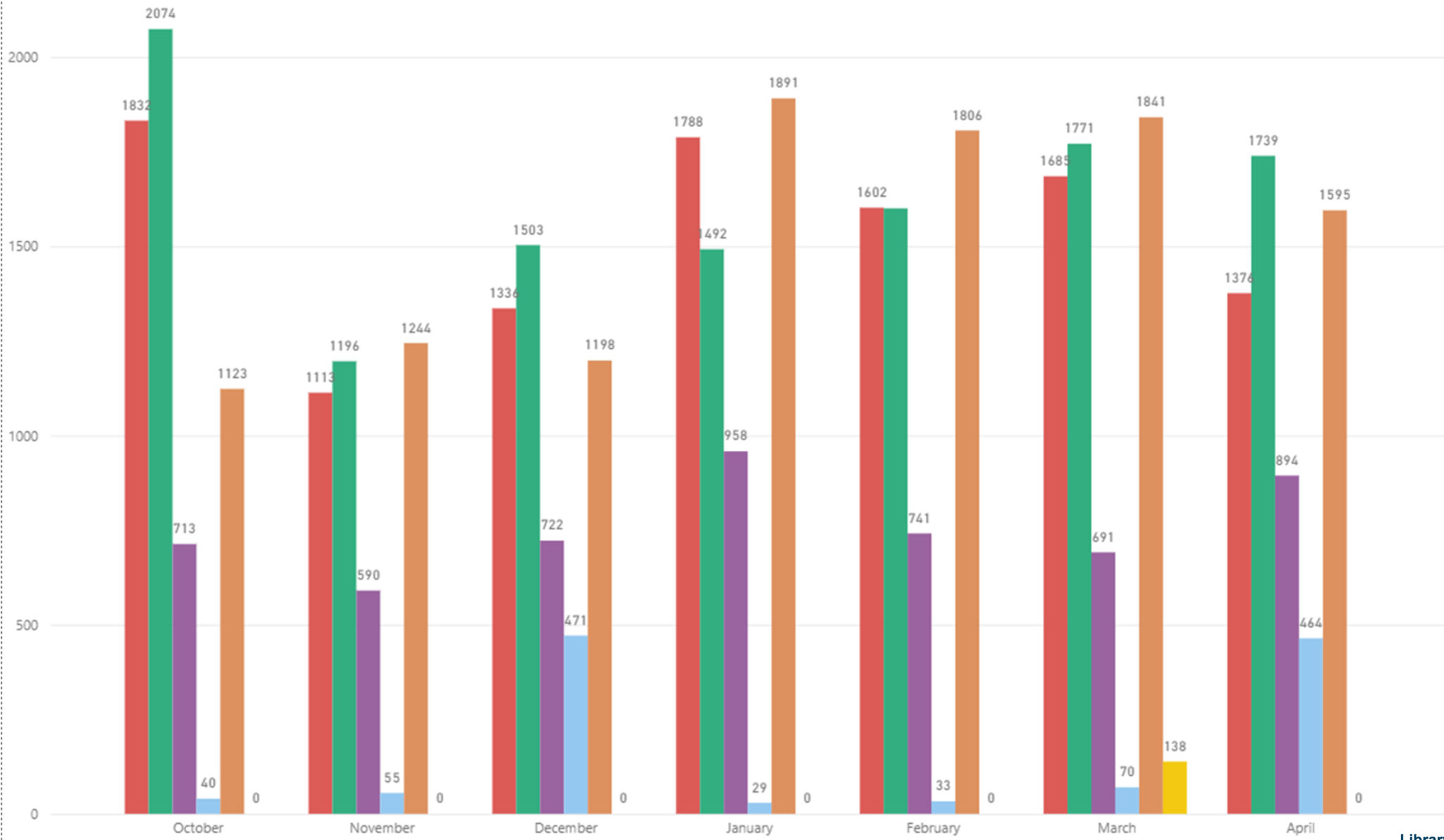
Question Kind ● Curbside Holds Pickup ● Directional ● Reference



Programs

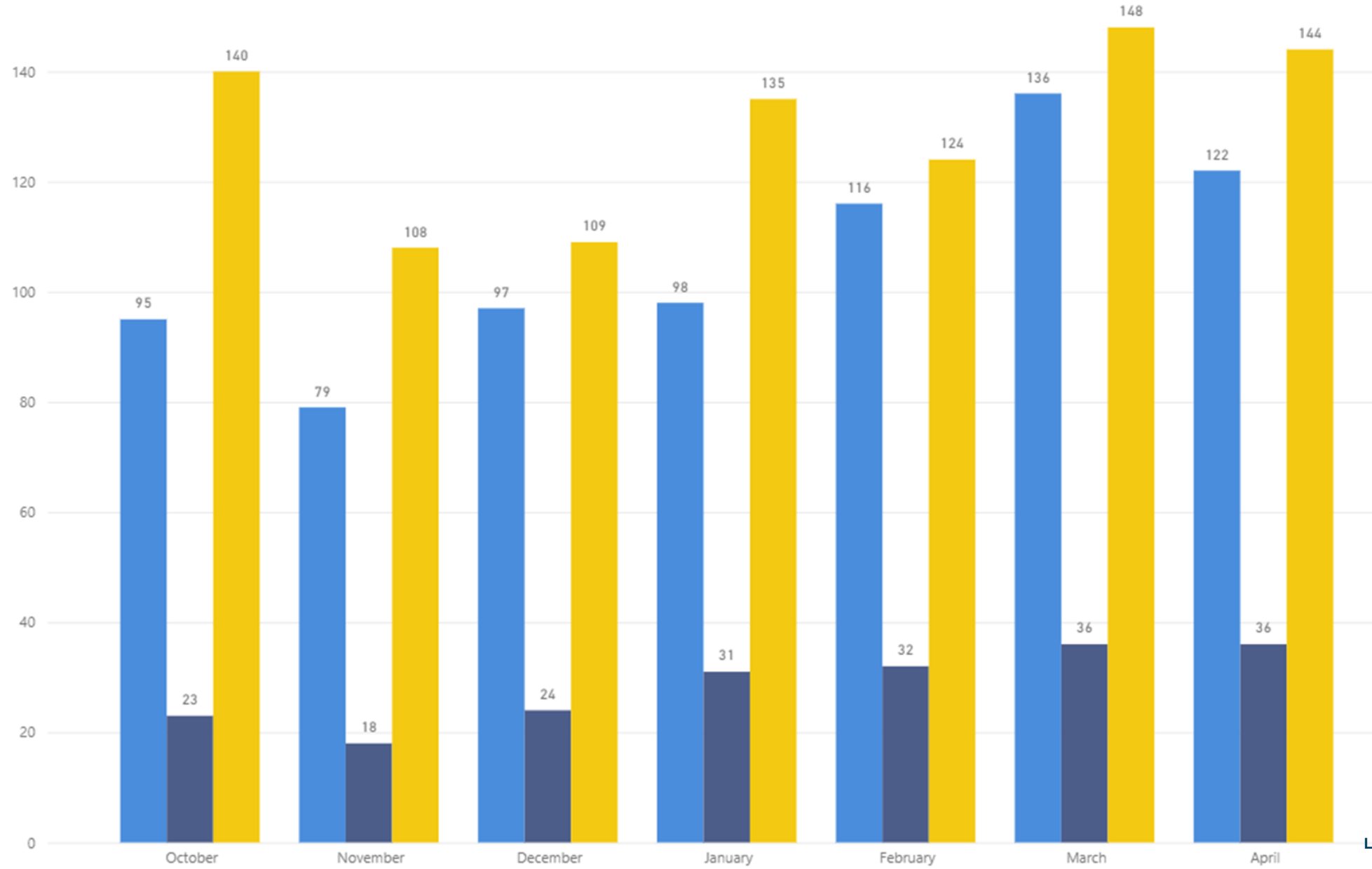
All Branches Program Attendees FY26

campus ● Bown ● C & U ● Collister ● Downtown ● Hillcrest ● System



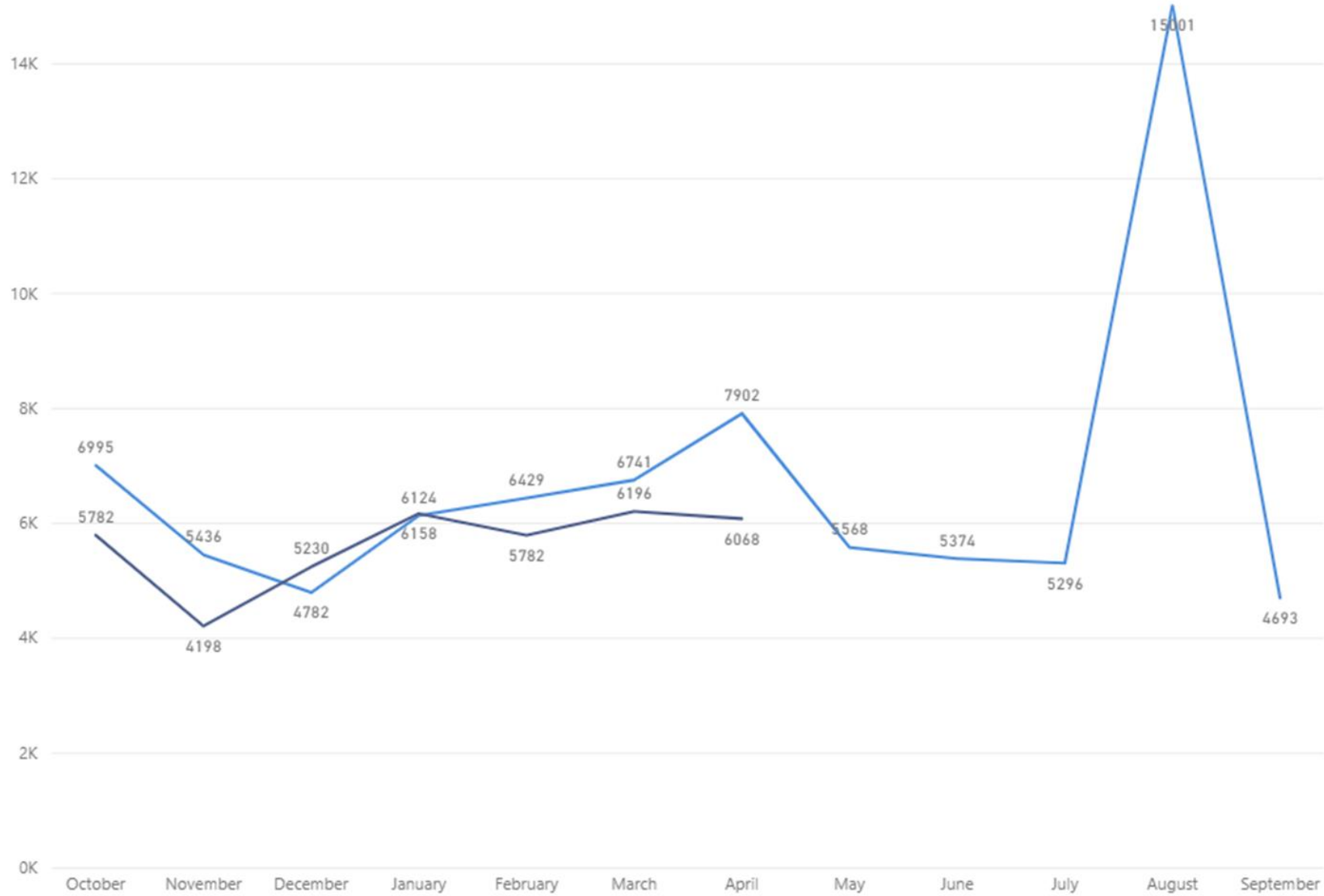
Events by Audience FY26

● Adult ● Teen ● Youth



Program Attendance FY25-FY26

fiscal_year ● 2025 ● 2026





MEMO

TO: Boise Public Library Board of Trustees
FROM: Jessica Dorr
CC: Kari Davis, Ed Jewell
DATE: May 13, 2026
RE: Appeal of Library Suspension by Mark Clary

Overview

The Library Board of Trustees will consider an appeal from Mark Clary of his suspension from the Library. Mr. Clary is currently suspended until July 10, 2026. The Board of Trustees will have the opportunity to review why the suspension occurred and to hear from staff and Mr. Clary as part of the appeal process, as outlined in [Regulation 4.04b: Security Appeal Process](#). Following these remarks, the Board will have the opportunity to ask questions of staff and Mr. Clary and then will deliberate publicly on the appeal. The standard for this appeal is a *de novo* review, which means the board will decide on the issue without deference to the staff or director decisions. The board can reverse, modify, or uphold the library director's decision.

Background

On April 9, 2026, Mr. Clary was suspended for directing a racial slur at another Library user during an altercation at the Library! at Hillcrest. This action violated the Library's [Code of Conduct](#), specifically Point 1 which states: "Profane, threatening, or abusive language/gestures/behavior that disturbs others is prohibited." As outlined in the Library's Code of Conduct Response Guidelines (attached at the end of the document), failure to follow Point 1 results in a three-month suspension.

As part of the suspension process, Mr. Clary was provided with materials that outlined what he was suspended for, the length of his suspension, and how to appeal the suspension. The process was explained to him by both Library and Security staff. At his request, the Library's Community Resource Coordinator also spoke with his case manager explaining the suspension.

Director Appeal

On April 13, 2026, Mr. Clary appealed to me as director his suspension. In his appeal note, he expressed remorse for using a racial slur and described his actions as an uncharacteristic outburst. In my review of Mr. Clary's appeal, I learned that Mr. Clary's use of a racial slur on April 9th was not an isolated incident. Multiple Library staff members had engaged in conversations with Mr. Clary in which he would ask about hypothetical situations where a racial slur might be appropriate. In these discussions, most recently in January of 2026, Mr. Clary was informed that using racial slurs in the Library was a violation of the Library's Code of Conduct and would result in a suspension. This finding, as well as Mr. Clary's own admission that he used a racial slur, led me to uphold the three-month suspension. I communicated my decision to Mr. Clary on April 16, 2026.

At the Library we do not take suspending users from the Library lightly as we know how important the Library is to members of our community. As a shared public space, we strive to create respectful and safe spaces for the entire community. We know how important the Library is to Mr. Clary and, following his suspension, Library staff informed him how he can still be served by the Library during his suspension either online or over the phone.

Board Appeal

On April 17, 2026, Mr. Clary requested that his appeal be heard by the Library Board of Trustees.

Document Type:	Policy
Number:	4.04
Effective:	03-01-2011
Revised:	03-11-2026
Last Reviewed:	03-11-2026

SECURITY

The Board expects Library users to respect the Library, which includes its staff, furnishings, collections, equipment, and other Library users. Library users who do not act in a manner consistent with the Board's expectations may be asked to leave the Library.

The Director or designee will establish a code of conduct and will create regulations covering the appeal of any suspension of Library privileges resulting from failure to abide by that code.

CODE OF CONDUCT
To Support a Positive Experience at the Library

1. Profane, threatening, or abusive language/gestures/behavior that disturbs others is prohibited.
2. Personal property must be kept within the library user's control.
3. Service animals, as [defined](#) by the Americans with Disabilities Act, are the only animals library users may bring in the library. Library users may not bring pets and animals for emotional support, comfort, or therapy into the library. Service animals must be leashed, harnessed, or tethered unless the library user's disability prevents using these devices, in which case the library user must maintain control through voice, signal, or other means. Library users may be asked to remove their service animal from the library if the animal:
 - Poses a direct threat to the safety of others.
 - Is out of control and effective action is not taken to control it.
 - Is not housebroken.
 - Interferes with the library's fundamental purpose, e.g., by continuous barking.
4. Petitioning, solicitation, and distribution of written materials ("leafletting") is only acceptable outside of the library and so long as it does not limit access to the building's entrances and exits.
5. Harassment of any type, e.g., physical, sexual, verbal, or stalking, of library staff or other library users is prohibited in person, telephonically, digitally, or by any other means.
6. Damage, theft, or destruction of library property, including use of library equipment in a manner other than intended by the manufacturer, is prohibited.
7. Possession or consumption of alcohol or other controlled substances is prohibited.
8. Engaging in sexual conduct, viewing pornographic materials, or engaging in other lewd acts e.g., exposure, masturbation, or nudity, is prohibited.
9. Possession of a deadly or dangerous weapon is prohibited. An exception is made for a lawfully possessed firearm or pocketknife with a blade six inches or less.
10. Parents/caregivers are responsible for their minor child(ren)'s safety and behavior while in the library, whether they are present or not. Children under the age of ten (10) are required to always be accompanied by a caregiver within the library.
11. Library users must always wear appropriate clothing and footwear in the library.
12. Packaged snacks and covered beverages may be consumed in designated areas and during approved library programs.
13. Sleeping, bathing, and other hygiene activities that inhibit the fundamental purpose and use of the library are prohibited.
14. Use of roller blades/scooters or bringing bicycles/e-bicycles/e-scooters inside the library building is prohibited.
15. Smoking or vaping is allowed only in designated areas, which are at least twenty-five (25) feet away from entrances and exits. Tobacco and vaping products must be stored in personal belongings and out of sight while inside the library.
16. Library users must comply with all local, state, and federal laws while in the library and while using library services.

Document Type:	Regulation
Number:	4.04b
Effective:	03-01-2011
Revised:	03-11-2026
Last Reviewed:	03-11-2026

SECURITY APPEAL PROCESS

Library users who have their Library use privileges suspended may appeal in writing to the Director to have their Library privileges restored. The appeal must be submitted to the Director within 15 days of the date of suspension or, for suspension periods consisting of less than 15 days, any time prior to the expiration of the suspension period. Any appeal submitted after the 15-day period will not be considered. The Director or designee shall review the appeal and provide the user with a written decision within 10 business days of receipt of the appeal. The user may appeal the Director's decision to the Board in writing within 20 days of the date of said decision. The Board shall review the appeal and the Director's written decision along with any other relevant documentation and will deliberate on the matter. The written decision of the Board shall be provided to the user and the Director within 45 days of the appeal to the Board.

The suspension of the privilege to use the Library will remain in effect throughout this appeal process.

Code of Conduct Response Guidelines

The following levels of response to our [Code of Conduct](#) are our guide in addressing violations in a consistent manner.

Level	Behavior Examples	Response Guidelines	Security/CRC Support
1	Speaking loudly enough to disturb other library users.	Staff or Security asks user to stop behavior; asks user to leave for the day if it's persistent.	Staff or Security fills out Code of Conduct Incident Report form. Consult CRC if it's a behavioral health concern.
2	Use of drugs/controlled substances or alcohol inside the library or on library property (Code #7).	Staff or Security issues a 1-week suspension.	Inform Security and complete Code of Conduct Incident Report form if Security not onsite.
3	Display of sexual/obscene material on a computer (as defined by Idaho Code § 118-4105 and/or 118-1514).	Staff or Security issues a 1-month suspension.	Inform Security and complete Code of Conduct Incident Report form if Security not onsite.
4	Harassment of staff or library user (Code #5).	Staff or Security issues a 3-month suspension for any harassment: sexual (e.g., lewd remarks, leering), verbal (e.g., racist or gender-based comments), or physical (e.g., invading personal space or stalking).	Inform Security and complete Code of Conduct Incident Report form if Security not onsite.
5	Threatening staff or library user (Code #1).	Staff or Security issues a 6-month suspension. Direct threat on life, e.g., "I'll f*#@ing kill you": issue a 1-year suspension.	Inform Security and complete Code of Conduct Incident Report form if Security not onsite. Direct threat: call Non-Emergency Dispatch at (208) 337-6790.
6	Engaging in criminal activity (Code #16).	If the criminal behavior is public masturbating or indecent exposure, staff or Security issues a 1-year suspension.	Call 9-1-1. Inform Security and complete Code of Conduct Incident Report form if Security not onsite.
7	Physical violence toward staff or library user.	Staff or Security issues a 1-year suspension.	Call 9-1-1. Inform Security and complete Code of Conduct Incident Report form if Security not onsite.

If Security is not onsite, inform them via the Teams chat for your location: **[Your location] Security/CRC Chat**.

Three Strikes: If someone must be asked to comply with a Code of Conduct rule multiple times, they can be asked to leave for the day. If someone must be asked to comply with a rule multiple days in a row or multiple rules, they can be suspended for a week or more.

The **Manager On Call** is available evenings and weekends to assist with incidents as needed.



Idaho Statutes

Idaho Statutes are updated to the website July 1 following the legislative session.

TITLE 33
EDUCATION
CHAPTER 26
PUBLIC LIBRARIES

33-2607. POWERS AND DUTIES OF TRUSTEES. In addition to the powers elsewhere contained in this chapter and notwithstanding the provisions of title 50, Idaho Code, the board of trustees of each city library shall have the following powers and duties:

- (1) To establish bylaws for its own governance;
- (2) To establish policies and rules of use for the governance of the library or libraries under its control; to exclude from the use of the library any and all persons who violate such rules;
- (3) To establish, locate, maintain and have custody of libraries to serve the city, and to provide suitable rooms, structures, facilities, furniture, apparatus and appliances necessary for library service;
- (4) With the approval of the city:
 - (a) To acquire real property by purchase, gift, devise, lease or otherwise;
 - (b) To own and hold real and personal property and to construct buildings for the use and purposes of the library;
 - (c) To sell, exchange or otherwise dispose of real or personal property when no longer required by the library; and
 - (d) To insure the real and personal property of the library;
- (5) To prepare and adopt a budget for review and approval by the city council;
- (6) To control the expenditures of money budgeted for the library;
- (7) To accept or decline gifts of money or personal property, in accordance with library policy, and under such terms as may be a condition of the gift;
- (8) To hire, supervise and evaluate the library director;
- (9) To establish policies for the purchase and distribution of library materials;
- (10) To attend all meetings of the board of trustees;
- (11) To maintain legal records of all board business;
- (12) To exercise such other powers, not inconsistent with law, necessary for the orderly and efficient management of the library.

History:

[33-2607, added 1993, ch. 186, sec. 8, p. 470.]



BOISE PUBLIC LIBRARY

MAYOR: Lauren McLean | DIRECTOR: Jessica Dorr

MEMO

TO: Boise Public Library Board of Trustees

FROM: Kari Davis

DATE: 5/8/2026

RE: FY26 Renewal Lending Service/Annexation Compensation Agreement with Ada County Free Library District

BACKGROUND:

Since 1994, the Boise Public Library has reimbursed the Ada County Free Library District (the "District") for revenue lost due to City annexation of previously unincorporated county land. By agreement, the payment amount has been set at \$544,000.

The FY26 payment will facilitate provision of library service by the District to Boiseans. The payment and contract provide reciprocal borrowing privileges for all Boise residents at the following District library branch locations: Victory, Lake Hazel, Hidden Springs, and Star.

FINANCIAL IMPACT:

The Library's Fiscal Year 2026 M & O budget contains an approved line item for the Ada Community Library lending service/annexation compensation payment for the flat fee amount determined in negotiations with the library district. No additional funding is required.

MAIN LIBRARY
715 S. Capitol Blvd., Boise, Idaho 83702
P: 208-972-8200 | TTY: 800-377-3529

LIBRARY! AT
BOWN CROSSING
P: 208-972-8360

LIBRARY! AT
COLE & USTICK
P: 208-972-8300

LIBRARY! AT
COLLISTER
P: 208-972-8320

LIBRARY! AT
HILLCREST
P: 208-972-8340



BOISE PUBLIC LIBRARY

MAYOR: Lauren McLean | DIRECTOR: Jessica Dorr

March 10, 2026

Anna Langrill, Director
Ada Community Library
10664 W. Victory
Boise, ID 83709
E-mail: alangrill@adalib.org

DELIVERY VIA E-MAIL

Re: FY 2026 Renewal Letter of Agreement: Lending Service/Annexation Compensation

Dear Ms. Langrill,

On June 2, 2020, FY20 Lending Service/Annexation Compensation Agreement ("Agreement") was made between the Boise Public Library ("BPL") and the Ada County Free Library District dba Ada Community Library ("ACL"). The Agreement served to facilitate compensation from BPL to ACL for library lending services provided to BPL patrons from October 1, 2019 through September 30, 2020. The Agreement has been renewed annually by Letter Agreement since FY21.

BPL wishes to again renew the Agreement through mutual execution of this FY26 Renewal Letter of Agreement ("FY26 Renewal") for an additional one (1) year term for the purpose of facilitating compensation to ACL for library lending services provided to BPL patrons from the period of October 1, 2025 through September 30, 2026. The FY26 Renewal will be effective on the date for party signature below that is last in time and will cause all of the terms and provisions of the Agreement to remain in full force and effect with the only modification being of the dates therein as necessary to fulfill the purpose of this FY26 Renewal. Subject to approval of this FY26 Renewal by the Board of Trustees for each party and Boise City Council, BPL will make payment in the amount of \$544,000 (five hundred forty-four thousand dollars) to ACL by June 30, 2026.

If ACL wishes to renew according to these terms, please have a duly authorized signatory execute this FY26 Renewal and return to BPL for further execution.

[SIGNATURE PAGE FOLLOWS]

Very truly yours,

Jessica Dorr
Director, Boise Public Library

MAIN LIBRARY
715 S. Capitol Blvd., Boise, Idaho 83702
P: 208-972-8200 | TTY: 800-377-3529

LIBRARY! AT
BOWN CROSSING
P: 208-972-8360

LIBRARY! AT
COLE & USTICK
P: 208-972-8300

LIBRARY! AT
COLLISTER
P: 208-972-8320

LIBRARY! AT
HILLCREST
P: 208-972-8340

IN WITNESS WHEREOF, BPL and ACL have executed this FY26 Renewal Letter of Agreement as of the date for party signature below that is last in time.

ADA COMMUNITY LIBRARY

Approved by action of the Board of Trustees of the Ada County Free Library District dba Ada Community Library on 4/21, 2026.

 4-21-2026

Steven Ricks, Chair
ACL Board of Trustees

Date

BOISE PUBLIC LIBRARY

Approved by action of the Boise Public Library Board of Trustees on _____, 2026 and sent with a recommendation for approval to the Boise City Council.

Ron Pisaneschi, President
BPL Board of Trustees

Date

ADOPTED by the Council of the City of Boise City, Idaho this ____ day of _____, 2026

APPROVED by:

Lauren McLean, Mayor

Date

ATTEST:

Jamie Heinzerling, City Clerk

Date



**BYLAWS
BOISE PUBLIC LIBRARY BOARD OF TRUSTEES**

**ARTICLE I
LEGAL BASIS**

The Board of Trustees of the Boise Public Library exists by virtue of the provisions of Idaho law, including Title 33, Chapter 26 of the Idaho Code. Boise City Code Title 2, Chapter 7 further governs and defines the powers, duties and operation of the Board. The Board exercises the powers and authority and assumes the responsibilities and duties delegated to it under the laws of the state of Idaho and Boise City Code for the provision of public library service in Boise City. In addition to the powers, duties and purposes stated therein, the Board may exercise such other powers, not inconsistent with law, necessary for the orderly and efficient management of the Library.

**ARTICLE II
TRUSTEE SELECTION AND APPOINTMENT**

Section 1. Number of Trustees

A Board of five Library Trustees, selected from the residents of Boise City, shall be appointed by the Mayor and confirmed by the City Council. The Board favors the established custom of the inclusion of one non-voting member of the City Council who will attend board meetings and act as liaison for the Board and City Government.

Section 2. Term of Office

A term of office shall be for five years; the term of one Trustee shall expire each year on June 30th. Appointments to complete an unexpired term shall be for the remainder of the unexpired term only. Trustees shall hold their office from appointment until the term expiration and until successors are appointed, unless disqualified from office. In accordance with City policy, Trustees shall serve no more than two terms or more than ten consecutive years.

By accepting appointment to the Board, Trustees agree to attend, in-person or virtually, a minimum of three-fourths of the regularly-scheduled meetings annually. Unless excused by the President, missing three consecutive regular meetings, for other than health-related reasons, is considered a resignation from the Board.

Section 3. Salary

All Trustees, officers included, shall serve without salary or any compensation, except that they may receive actual and necessary expenses when engaged in the business of the Library.

Section 4. Vacancies

All Trustee resignations shall be reported to the Mayor and City Council by the Board, with a request that the vacancy be advertised. The process for filling a vacancy will be prescribed by the Mayor's office. In the event a Trustee relocates the Trustee's residence outside the City of Boise, this shall be deemed a resignation and a vacancy shall be created.

Section 5. Removal

Removal shall be as provided in Idaho statutes and Boise City Code.

ARTICLE III POWERS AND DUTIES

Section 1. Powers and Duties

The powers and duties of the Board of Trustees shall be as set forth in Title 33, Chapter 26 of the Idaho Code and Boise City Code Title 2, Chapter 7. In addition to the powers, duties and purposes stated therein, the Board may exercise such other powers, not inconsistent with law, necessary for the orderly and efficient management of the Library.

Section 2. Policies

The Board shall act as the policy making body of the Boise Public Library in compliance with all statutes of the State of Idaho and Boise City Code relating to the operation of public libraries and shall develop and maintain, with advice of the Library Director and staff, policies for the Library and rules governing use of the Library with the highest possible degree of operating efficiency in the Library, consistent with the Library's mission and strategic vision. The Board shall have the power as necessary to determine any question of policy.

Section 3. Budget

The Board shall prepare and adopt an annual budget for review and approval by the City Council for the ensuing fiscal year, with the advice and assistance of the Library Director, allocating the proper amounts for materials, salaries, maintenance, and other operating and capital expenses necessary for the orderly and efficient management of the Library. The Board may also approve interim budget recommendations for submission to City Council.

Section 3. Expenditures

The Board shall have control of the expenditures of all moneys collected for the Library Fund.

Section 4. Property

The Board shall have the supervision, care, and custody of any room or building constructed, leased, or set apart for Library purposes, and it may, with the approval of the Council, lease and occupy or purchase or erect on purchased ground any appropriate building. The Board shall take charge of the public Library, reading rooms, and its branches, and of all real and personal property belonging to it, or what may be acquired by loan, purchase, gift, devise, or otherwise, when not inconsistent with the terms and conditions of the gift, devise, or with the terms and conditions of the gift, devise, or bequest. The Board shall have the power to make and enforce all rules, regulations, and bylaws necessary to administer, govern, and protect the Library, reading rooms, and branches, and all property belonging or loaned to it.

Section 5. Appointments

The Board of Trustees shall appoint a Library Director, with the approval of a majority of the members of City Council. The Board of Trustees may terminate a Library Director with the approval of a majority of the members of City Council.~~who shall serve at the pleasure of the Board.~~ The Library Director's duties shall be those prescribed by state law, city policy, together with such other such others duties requested by the Board that are reasonably required for proper operation of the Library.

Section 6. Gifts and Trusts

The Board shall receive and administer any trust or any other fund declared or created by gift or otherwise for the Library and branches.

Section 7. Reports

The Board of Trustees shall annually, not later than the first day of January, file with the board of library commissioners a report of the operations of the Library for the fiscal year just ended. The report shall be of such form and contain such information as the board of library commissioners may require.

Section 8. Other Duties

Additional duties of the Board shall include, but not necessarily be limited to the following: promote the Library and its services to the public; obtain adequate funds for Library operation; developing a program of planned growth and improvement of the Library facilities and Library services; work cooperatively with supporting organizations to promote the Library, provide information to the public regarding the Library and with regard to Library support and improvements; work cooperatively with other public officials and boards and support legislation that benefits Library users; and cooperate with public officials to maintain positive public relations; seek to maintain positive public relations and provide information to the public.

ARTICLE IV OFFICERS

Section 1. Election

The Board shall elect at its annual meeting from its members a President and Vice President who shall serve for a term of one (1) year or until his/her successor is elected. In the event of a vacancy, the Board may elect an officer to succeed the vacant position prior to and until the next annual meeting election.

Section 2. Duties

A. President

The President shall preside at all meetings of the Board, authorize calls for special meetings, regulate and control public participation, appoint all committees, execute documents authorized by the Board, serve as ex-officio member of all committees, ensure that a true and accurate record is maintained of all meetings of the Board, plan the meeting agenda with the Director and staff, and perform all other duties associated with that office.

B. Vice President

In the absence of the President, the Vice President shall preside and perform all duties associated with the President's office.

Section 3. Vacancies

Vacancies occurring in any office shall be filled by majority vote of those Trustees present at the next regular meeting of the Board.

Section 4. Removal from Office

Any officer may be removed from office by the Board whenever, in the judgment of the Board, the best interests of the Library shall be served by such removal. In the event an officer becomes disqualified from serving as a Trustee (for example, the officer ceases to be a resident of the City of Boise), the officer shall be deemed removed and a vacancy shall be created.

**ARTICLE V
MEETINGS**

Section 1. Frequency

The Board shall meet for business purposes monthly, except as shall be determined in advance by the Board at a regular meeting. The Board shall hold its annual meeting each year in September for the purposes set forth in Idaho Code Section 33-2606, as may be amended from time to time, including election of officers and establishment of meeting dates for the upcoming fiscal year.

Section 2. Special Meetings

Special meetings may be called by the President, or upon written request of three Trustees, for the transaction of business stated in the Notice of Special Meeting. Only that business so specified may be acted upon at the Special Meeting. Notification procedures shall comply with Idaho Code and Boise City policies.

Section 3. Quorum

A quorum shall consist of three (3) Trustees, but a smaller number may adjourn a meeting.

Section 4. Voting

Each Trustee has one vote. The Director is a non-voting attendee of Board meetings. An affirmative vote by the majority of Trustees present shall be necessary to approve any action of the Board. The President may introduce, vote upon, move, or second a proposal before the Board.

Section 5. Meeting Records

Records of meetings shall be maintained by the Library Director or the Director's designee.

**ARTICLE VI
PARLIAMENTARY AUTHORITY**

The parliamentary authority shall be Roberts Rules of Order, current edition, except as stated in these Bylaws.

**ARTICLE VII
AMENDMENTS**

These Bylaws may be amended at any regular meeting of the Board with a quorum present, by majority vote of the Trustees present. Proposed amendments shall be distributed to Trustees at least two weeks prior to said meeting.

Last Revised August 14, 2024.

Boise Public Library

Policy Review May 13, 2026

Policy items reviewed and presented are as follows:

SECTION 2.00, *Personnel*

- Policy 2.01, Personnel
- House Bill 715

SECTION 5.00, *Collection Development and Maintenance*

- Policy 5.01, Collection Development and Maintenance
 - Exhibit 5.01a, Library Bill of Rights
 - Exhibit 5.01b, Freedom to Read Statement
 - Regulation 5.01c, The Nature and Quality of Materials
- Policy 5.02, Reconsideration of Materials
 - Exhibit 5.02a, Request for Reconsideration of Library Materials
 - Exhibit 5.02b, Written Notice of Complaint Alleging Material Harmful to Minors
- Senate Bill 1448

Staff Recommendations:

Section 2.00, *Personnel*, specifically subsection 2.01 of the Boise Public Library Policy Manual are presented to the Library Board for review. Recommended changes to Policy 2.01 are included in the meeting packet. A motion to approve the recommended changes is requested.

Section 5.00, *Collection Development and Maintenance* of the Boise Public Library Policy Manual are presented to the Library Board for review. Recommended changes to Policy 5.02 are included in the meeting packet. A motion to approve the recommended changes is requested.

Recommended changes to Exhibit 5.02b are included in the meeting packet for informational purposes only and do not require the Board's approval.

Document Type:	Policy
Number:	2.01
Effective:	03-01-2011
Revised:	12-02-2015
Last Reviewed:	11-12-2025

PERSONNEL

The Board follows the personnel policies of Boise City, as outlined in the Boise City Employees Handbook.

The Board ~~has sole responsibility~~ is responsible for hiring and terminating the Library Director, with the approval of a majority of the members of the City Council. The Board has responsibility for; supervising; and evaluating the Library Director; ~~who serves at the pleasure of the Board.~~

~~Nevertheless,~~ The Board expects members of the Library's management to bring serious concerns related to the Director's job performance to the attention of the Board. These concerns would include: 1) job performance that clearly does not meet the job description or job performance standards adopted by the Board; 2) intentional actions by the Director that circumvent the written Library policies as adopted by the Board; 3) the creation of a hostile, harassing, or threatening work environment whether as an ongoing practice or a single incident; 4) unethical or illegal actions or behavior.

The Director and supervisory staff have the authority to dismiss any Library employee whose attitude, professional ethics and conduct, or performance of duties make such action advisable. The Director and supervisory staff shall follow the personnel policies of Boise City when exercising this authority, as outlined in the Boise City Employees Handbook.

The Library is committed to providing equal employment opportunities for all persons.

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 715

BY LOCAL GOVERNMENT COMMITTEE

AN ACT

RELATING TO PUBLIC LIBRARIES; AMENDING SECTION 33-2607, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE POWERS AND DUTIES OF PUBLIC LIBRARY BOARDS OF TRUSTEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2608, IDAHO CODE, TO REVISE PROVISIONS REGARDING LIBRARY DIRECTORS OF PUBLIC LIBRARIES AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 33-2607, Idaho Code, be, and the same is hereby amended to read as follows:

33-2607. POWERS AND DUTIES OF TRUSTEES. In addition to the powers elsewhere contained in this chapter and notwithstanding the provisions of title 50, Idaho Code, the board of trustees of each city library shall have the following powers and duties:

- (1) To establish bylaws for its own governance;
- (2) To establish policies and rules of use for the governance of the library or libraries under its control; to exclude from the use of the library any and all persons who violate such rules;
- (3) To establish, locate, maintain, and have custody of libraries to serve the city, and to provide suitable rooms, structures, facilities, furniture, apparatus, and appliances necessary for library service;
- (4) With the approval of the city:
 - (a) To acquire real property by purchase, gift, devise, lease, or otherwise;
 - (b) To own and hold real and personal property and to construct buildings for the use and purposes of the library;
 - (c) To sell, exchange, or otherwise dispose of real or personal property when no longer required by the library; and
 - (d) To insure the real and personal property of the library;
- (5) To prepare and adopt a budget for review and approval by the city council;
- (6) To control the expenditures of money budgeted for the library;
- (7) To accept or decline gifts of money or personal property, in accordance with library policy, and under such terms as may be a condition of the gift;
- (8) To hire, supervise and evaluate the library director supervise and evaluate the library director and, with the approval of a majority of the members of the city council, to hire and terminate the library director;
- (9) To establish policies for the purchase and distribution of library materials;
- (10) To attend all meetings of the board of trustees;
- (11) To maintain legal records of all board business;

1 (12) To exercise such other powers, not inconsistent with law, neces-
2 sary for the orderly and efficient management of the library.

3 SECTION 2. That Section 33-2608, Idaho Code, be, and the same is hereby
4 amended to read as follows:

5 33-2608. LIBRARY DIRECTOR -- DUTIES -- OTHER EMPLOYEES. (1) The board
6 of trustees of each city library shall appoint the library director, ~~who~~
7 ~~shall serve at the pleasure of the board.~~ with the approval of a majority of
8 the members of the city council. The board may terminate the library direc-
9 tor with the approval of a majority of the members of the city council. The
10 library director shall advise the board, implement policy set by the board,
11 supervise all library staff, and ~~shall~~ acquire library materials, equip-
12 ment, and supplies. The library director shall attend all board meetings but
13 shall not vote.

14 (2) With the recommendation of the library director, the board shall
15 budget to hire other employees as may be necessary for the operation of the
16 library. The library director shall hire or oversee the hiring of all other
17 employees based on the policies, procedures, and job descriptions of the
18 city. These employees shall be employees of the city and subject to the
19 city's personnel policies and classifications unless otherwise provided by
20 city ordinance.

21 SECTION 3. An emergency existing therefor, which emergency is hereby
22 declared to exist, this act shall be in full force and effect on and after
23 July 1, 2026.

Document Type: Policy
Number: 5.01
Effective: 03-01-2011
Revised: 05-10-2023
Last Reviewed: 05-14-2025

COLLECTION DEVELOPMENT AND MAINTENANCE

The purpose of this policy is to articulate the role of the Library's collection in the community and provide direction to staff members in their role as selectors. The Board endorses and incorporates as a part of this policy the American Library Association's Library Bill of Rights (Exhibit 5.01a) and Freedom to Read Statement (Exhibit 5.01b).

The Board recognizes that the citizens of Boise possess widely diverse and separate interests, backgrounds, cultural heritages, social values and needs. This policy is designed to support the Library's mission and service priorities, within budgetary and space limitations, and serve the needs of all citizens of Boise regardless of age, sex, race, religious creed, national origin, ancestry, physical or mental disability, sexual orientation, gender identity, or political or social views. This policy is meant to document current collection management policy and further public understanding of the purpose, nature and philosophy behind the library's collection management practices. This policy includes all material in any format.

The Collection Development staff will continually assess the collection using the associated board approved policies and regulations. Selectors choose popular materials for varying levels of entertainment, education, reading levels, age level interests, differing social/religious customs and languages. The collection offers users a variety of formats, viewpoints and subjects.

Specifically, staff will acquire, make available, and encourage the use of materials in all media that:

1. help people know more about themselves and their world;
2. encourage informal self-education;
3. meet the diverse informational needs and recreational interests of all people in the community;
4. stimulate thoughtful participation in the affairs of the community, the country, and the world;
5. give access to a variety of opinions on matters of current interest and encourage freedom of expression;
6. support educational, civic, and cultural activities within the community;
7. aid in learning and improving job-related skills; and
8. assist the individual to grow intellectually and enjoy life more fully.

There is no single standard which can be applied in all cases when making an acquisition decision. Each type of material will be considered in terms of its own kind of excellence and the audience for which it is intended. Some materials will be judged primarily in terms of artistic merit, scholarship, or value as human documents; others will be selected to satisfy the recreational and entertainment needs of the community. Some materials evaluated are subject to widespread or local demand; items experiencing such demand may be added to the collection even though they do not meet

the general and specific criteria routinely used by staff in making selection decisions.

The Board encourages public input on Library collections and invites Boise residents to make recommendations for purchases. Such recommendations will be given serious consideration by Library staff in accordance with the general and specific criteria used in making selection decisions. Due to budget considerations, the Library may add only one format of a title (e.g. a physical print book may be offered rather than a digital audiobook).

The Director or designee shall examine the collection regularly for the purpose of selection, assessment and retention of materials. The same criteria will be used in weeding materials from the collection as are used in their acquisition. The collection is not intended to be archival in nature. Worn, damaged, and outdated materials as well as unnecessary duplicate copies are weeded from the collection on a regular basis. Due to space limitations, materials may also be withdrawn if they are not used or are superseded by a new edition or a more authoritative work on the same subject. Items may also be deleted if a more desirable format has been added to the collection.

The ultimate responsibility for selection rests with the Director, who operates within the framework of this policy.

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LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
- VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Inclusion of "age" reaffirmed January 23, 1996.

*For more information about the **Library Bill of Rights** please visit the American Library Association (ALA) website at ala.org.*

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FREEDOM TO READ STATEMENT

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious

thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

For more information about the Freedom to Read Statement please visit the American Library Association (ALA) website at ala.org.

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THE NATURE AND QUALITY OF MATERIALS

To build a collection of merit and significance consistent with the Library's mission and strategic objectives, the Director or designee will evaluate materials against general and specific criteria; selections are made in accordance with one or more of these criteria:

General Criteria

1. suitability of physical form for library use
2. suitability of subject and style for intended audience
3. present and potential relevance to community needs
4. appropriateness of medium to content
5. insight into human and social condition
6. importance as a document of the times
7. relation to existing collection and other material on subject
8. reputation and/or significance of author
9. skill, competence, and purpose of author
10. attention of critics, reviewers, and public
11. currency
12. affordability
13. materials created primarily by Artificial Intelligence (AI) without clear human involvement will not be added to the collection due to their lack of coherence, factual accuracy, and quality.

Specific Criteria for Works of Non-Fiction, Regardless of Format

1. scope and authority of subject matter
2. comprehensiveness and depth of treatment
3. objectivity
4. accuracy and logic of presentation
5. clarity of style
6. representation of challenging, though extreme or minority, point of view
7. scarcity of information in subject field
8. self-published materials are generally not added due to lack of editor oversight and fact checking

Specific Criteria for Works of Fiction, Regardless of Format

1. representation of important movement, genre, trend, or national culture
2. vitality and originality
3. artistic presentation
4. sustained interest
5. effective characterization and/or a realistic portrayal of life
6. authenticity of historical or social setting
7. representation of diverse points of view

8. entertaining and imaginative appeal to the general-interest reader

Staff will also consider the adequacy and availability of materials in other community agencies when making selection decisions. To avoid unnecessary duplication of materials, established special collections that are available for public and/or professional use (e.g., public universities; State Law Library, corporate libraries) will be considered the primary sources for academic and specialized materials. Library materials are selected for the general reader rather than the specialist.

Although the Library attempts to provide material on many subjects and grade levels, no attempt is made to match the collection to a particular curriculum. The provision of curriculum-related materials is generally the responsibility of the schools or homeschooling family. The Library may provide materials that supplement and enrich curriculum-related materials when community demand indicates the need for resources for individual use as opposed to school classroom use. Materials may be purchased to meet these needs to the extent funds allow without creating a collection imbalance in other areas.

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RECONSIDERATION OF MATERIALS

The Boise Public Library is committed to upholding the rights of library users to freely access quality materials that inform, educate, enlighten, and encourage critical thinking. Boise Public Library’s Collection Development and Maintenance Policy 5.01, the Library Bill of Rights Exhibit 5.01a, the Freedom to Read Statement Exhibit 5.01b, and the Nature and Quality of Materials Regulation 5.01c all embody this commitment.

Only narrowly defined categories of speech are not protected by the First Amendment. For example, obscenity is not protected speech, and neither is “material harmful to minors,” which is a subset of obscenity. If materials do not meet one of the narrowly defined categories of unprotected speech, they are speech protected by the First Amendment.

In April 2024, the Idaho legislature passed House Bill 710, which established Idaho Code § 18-1517B, which refers to itself as the “Children’s School and Library Protection Act.” The Act provides a private cause of action for any parent or legal guardian of a minor to sue the library if the minor obtains material from the library that the minor, parent, or legal guardian considers to be “material harmful to minors.” Additionally, the Act provides an opportunity for the Idaho Attorney General or county prosecuting attorneys to sue libraries if they make available “material harmful to minors.”

[In April 2026, the Idaho legislature passed Senate Bill 1448, which amended the Children’s School and Library Protection Act. Most notably, SB 1448 removed the “context clause” from the definition of “harmful to minors” as directed by the Ninth Circuit and added and defined the term “adolescent minor” to the definition of “harmful to minors.”](#)

The Boise Public Library and libraries across the state of Idaho have steadfastly maintained that they do not have materials in their collections that are harmful to minors. Libraries seek to provide educational, informational, and recreational resources to kids and adults that help them better understand themselves and the world, not to cause harm.

The “Children’s School and Library Protection Act” asks libraries to restrict access to materials based on the complaint of a single person despite the Constitutional analysis applying community and reasonable person standards to determine whether the material really is harmful to minors. While the “Children’s School and Library Protection Act” asks libraries to restrict access to materials based on a single complaint, the library must also comply with First Amendment requirements. In addition to the community and reasonable person standards, the First Amendment strongly disfavors government discrimination of materials based on content or viewpoint.

The burden is on the censor to prove that specific material meets the definition of “material harmful to minors.” The Library Board will fairly and impartially adjudicate claims that materials in the collection meet the statutory definition of “material harmful to minors” but will apply the statutory definition closely to ensure access to protected speech is not illegitimately restricted. Adequate procedural safeguards, including judicial determinations, are necessary to ensure protected speech is not infringed.

The Boise Public Library is very mindful of First Amendment rights to free speech guaranteed to persons in the United States of America, including the right to access information. The Boise Public Library acknowledges and appreciates the fundamental role this right plays in upholding the democratic system of government in America by helping to inform and provide critical thinking skills to the electorate, and to educate minors that are yet to reach voting age but must be informed and capable of critical thinking when they reach voting age.

With the foregoing in mind, this policy details who can request the reconsideration of materials the Boise Public Library makes available, the options for doing so, and the procedures the Library Board will take to review such requests. In addition to requests for reconsideration of materials based on the allegation that such materials are harmful to minors, library users may submit a request for reconsideration of materials that they do not believe meet the criteria in the Library Collection Development and Maintenance Policy for other reasons as well.

a. Definitions. The following terms, as used in this policy, have the following definitions.

~~i.~~ Library Board – The Boise Public Library Board of Trustees as established and defined by Idaho Code Title 33, Chapter 26 and Boise City Code Title 2, Chapter 7.

~~ii.~~

~~iii. Material – As defined in Idaho Code § 18-1514(7) means anything tangible which is harmful to minors, whether derived through the medium of reading, observation or sound.~~

~~ii. Material Harmful to Minors – As defined in Idaho Code § 18-1514(6) and read in conjunction with U.S. Supreme Court caselaw, means the quality of any material when it: that contains nudity, sexual conduct, sexual excitement, or sado-masochistic abuse that a) appeals~~

~~a) Taken as a whole, appeals to the prurient interest of adolescent minors as judged by the average person, applying contemporary community standards; and~~

~~b) Depicts or describes nudity, sexual conduct, sexual excitement, or sado-masochistic abuse that is patently offensive to prevailing standards in the adult community with respect to what is suitable material for adolescent minors including patently offensive representations or descriptions of:~~

1. intimate sexual acts, normal or perverted, actual or simulated; or
-2. masturbation, excretory functions or lewd exhibition of the genitals or genital area; ~~and e)~~

a) ~~“Harmful to minors” shall not include material that, when considered as a whole, and in context in which it is used, possesses does not possess serious literary, artistic, political or scientific value for a legitimate minority of normal, older adolescent minors. “Nudity,” “sexual conduct,” “sexual excitement,” and “sado-masochistic abuse” as used herein are as defined in Idaho Code § 18-1514.~~

c)

~~iv.~~

iii. -Adolescent minor – Means any person thirteen (13) years of age or older but less than eighteen (18) years of age.

~~v.iv.~~ Prurient Interest – As defined by the U.S. Supreme Court, prurient interest means a shameful or morbid interest in nudity, sex, or excretion, and goes substantially beyond customary limits of candor in description or representation of such matters, and does not include a normal, healthy interest in sex.

~~vi.v.~~ Request for Reconsideration of Materials – A request for the Library Board to reconsider whether material in the Boise Public Library collection meets the standards of the Collection Development and Maintenance Policy 5.01 and related exhibits and regulations. The request should be made using the form available as Exhibit 5.02a. A City of Boise resident or non-resident who owns property within the City of Boise may submit a Request for Reconsideration of Materials.

~~vii.vi.~~ Written Notice of Complaint Alleging Material Harmful to Minors hereafter referred to as Written Notice – No specific form is required, but the notice must be in writing and must request the relocation of material the complainant considers to be Material Harmful to Minors to a section designated for adults only within sixty (60) days of the library’s receipt of the written notice. Completing and submitting Exhibit 5.02b will constitute Written Notice, but use of Exhibit 5.02b is not required. 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.

b. Procedure for submitting a Request for Reconsideration of Materials or a Written Notice.

- i. The Request for Reconsideration of Materials form and the Written Notice form will be available at each Boise Public Library branch location and on the Boise Public Library’s website.
- ii. A completed Request for Reconsideration of Materials or 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 Request for Reconsideration of Materials or Written Notice can be given to a Library staff member at any service desk at all Boise Public Library locations.

iii. It is the responsibility of the person submitting the Written Notice or Request for Reconsideration of Materials to comply with all requirements of the “Children’s School and Library Protection Act,” the Idaho Tort Claims Act, and any other applicable laws or court rules to maintain their ability to seek judicial review.

c. Procedure for Library Board Review of a Request for Reconsideration of Materials or a Written Notice.

Book challenges are time-consuming endeavors. The material must be considered as a whole and individual passages cannot be taken out of context. Supporting materials should also inform the analysis. Library Board deliberation must be done openly on the record at noticed meetings, which are additional time pressures that must be accommodated within the 60 day window provided by the “Children’s School and Library Protection Act.” Given the limited library resources available, and the potentially unlimited challenges authorized by the “Children’s School and Library Protection Act,” it may not be feasible for the Library Board to review all material challenges within 60 days of receipt of the challenge.

The term “adolescent minor” as defined by SB 1448 introduces an age range to the benchmark minor on which the analysis is based. The definition also refers to “any” minor within that age range. The use of the word “any” applied to the age range indicates that the

far end of the age range must be considered. To comply with the Children’s School and Library Protection Act and First Amendment caselaw, when reviewing a request for reconsideration of materials, the Library Board will first examine whether the material as a whole possesses serious literary, artistic, political, or scientific value for any 17 year old. If so, the material does not meet the definition of “harmful to minors.” Applying the “serious value” prong first also has the benefit of better utilizing the Board’s expertise and skillset related to the evaluation of literature as compared to the Board determining contemporary community standards or prevailing community standards for what is patently offensive or appeals to the prurient interest of minors. Relatedly, objective third party reviews are available to support the Board’s analysis of the “serious value” prong, while analyzing the “prurient interest” or “patently offensive” prongs of the “harmful to minors” definition requires more subjectivity.

SB 1448 also added and defined a second standard—“sexually explicit”—to the Act, but because the “harmful to minors” standard is the Constitutional standard it continues to be the relevant standard for the Board to apply when evaluating a reconsideration request.

The Library Board will aim to respond to every challenge, but a complainant can appeal a Library Board decision regarding a Written Notice regardless of how thoughtful or adequate the Library Board’s response is, and whether there is any Library Board decision at all. Further, the “Children’s School and Library Protection Act” does not direct judges to review or give the Library Board’s decision any deference. Given the review framework of the “Children’s School and Library Protection Act” and library resource constraints, the Board President, in consultation with the Library Board as practicable, shall prioritize responding to good faith requests that present potentially meritorious claims.

- i. All Library Board procedures to review a Request for Reconsideration of Materials or a Written Notice shall comply with all applicable provisions of the Idaho Public Records Act, Idaho Open Meetings Law, and all other applicable laws necessary to ensure a fair and open deliberative process and an impartial decision based on the evidence submitted.
- ii. If the Library Board does not issue a final written decision within sixty (60) days of receipt of a Request for Reconsideration of Materials or a Written Notice, the submission is denied.
- iii. The Library Board shall endeavor to issue a written decision within sixty (60) days of receipt of the submission explaining the Library Board’s rationale for approving or denying the submission.
 - A. The Library Director shall endeavor to submit a written response to the submission and a recommended Library Board decision within twenty-eight (28) days of receipt.
 - B. The Library Board shall give the Library Director’s written response and recommended decision substantial deference.

- iv. The Library Board can adopt the Library Director’s written response and recommended decision as its own, with or without modification, or the Library Board can issue its own decision.
 - A. The Library Board shall always take the most narrowly tailored action necessary.
 - B. If the Library Board decides to remove material from the collection, or move the material to an adult access only area, or restrict access in any way, there is no right of appeal to the courts under the “Children’s School and Library Protection Act.” Being that the decision to censor materials is unappealable and the decision not to censor materials is appealable, the Library Board will exercise due restraint when limiting or removing access to materials.
- v. The Library Board President has discretion to:
 - A. determine whether and when to call a special meeting for the Library Board to deliberate on and decide, or adopt findings on, a Request for Reconsideration of Materials or a Written Notice.
 - B. determine whether additional procedures beyond the written filings specified herein are necessary to adequately review a Request for Reconsideration of Materials or a Written Notice, and if so, order such additional procedures.
 - i. Examples of additional procedures the Board President may require include oral presentations by the complainant and the Library Director, or public testimony.
 - C. determine the order of deliberation on any Request for Reconsideration of Materials or Written Notice and its placement on the Library Board agenda.
- vi. Library administration shall maintain a case file for each Request for Reconsideration of Materials or Written Notice submitted. The case file will be publicly available via the library’s website. The Boise Public Library will evaluate if any redactions to personal information contained in a written filing are required by Idaho law prior to making the document publicly available. The case file shall include, as applicable:
 - A. the Request for Reconsideration,
 - B. the Written Notice,

- C. the library director's written response and proposed Board decision,
- D. any public comments received on the submission within sixty (60) days of receipt of the submission,
- E. any adopted minutes of a meeting that reflect Library Board deliberation on the challenge, and
- F. any interim or final orders or decisions of the Library Board.

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REQUEST FOR RECONSIDERATION OF MATERIALS FORM

This form can be used by City of Boise residents or by non-residents who own property within the City of Boise to request reconsideration of Materials the Boise Public Library makes available. If your request is made pursuant to Idaho Code § 18-1517B, the “Children’s School and Library Protection Act,” and you are alleging that the Material is Material Harmful to Minors, fill out and submit form 5.02b. Doing so will constitute the Written Notice required by Idaho Code § 18-1517B(3). If you are not alleging the Material is Material Harmful to Minors, fill out and submit this form.

A completed Request for Reconsideration of Materials 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 Request for Reconsideration of Materials 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.

REQUEST FOR RECONSIDERATION OF MATERIALS

If you are a City of Boise resident or non-resident who owns property within the City of Boise, please fill out the requested information to the best of your ability. The information you provide will be an important part of the Boise Public Library's review of the Materials. If you need additional space to answer the questions, you may attach additional pages.

I.

a. Information about the Material.

- i. Title: _____
- ii. Author/Performer: _____
- iii. Publisher/Copyright Date: _____
- iv. Item Barcode: _____

b. Information about the requestor.

- i. Name: _____
- ii. Email Address: _____
- iii. Telephone Number: _____
- iv. Preferred means of contact: _____
- v. Are you a minor? Y / N
- vi. Do you represent an organization? Y / N
 - a. If so, which organization? _____
- vii. Are you a Boise Public Library cardholder? Y / N
- viii. Did you obtain the Material from the Boise Public Library? Y / N
- ix. Did you check out, request, or use the Material that is the subject of this request? Y / N

c. Information about the request.

- i. To what in the Material do you object and why? (Please be specific; for example, cite pages and specific passages. Use additional sheet if necessary.)

- ii. Did you read, view or listen to the entire Material? _____
- iii. If not, what parts did you read, view or listen to? _____

iv. What do you feel would be the result of reading, viewing, or listening to this Material? _____

v. What parts of the Material do you think are accurate and valuable? _____

vi. What do you believe the theme of this Material to be? _____

vii. Are you aware of judgments of this Material by professional critics? _____

viii. For what age group would you recommend this Material? _____

ix. What action are you requesting the library take in regard to this Material? _____

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

Signature

Date

By signing this section of the form I understand that I am making a formal request 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.

Document Type: Exhibit
Number: 5.02b
Effective: 05-14-2025
Revised:
Last Reviewed:

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.

[CONTINUED ON NEXT PAGE]

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:

~~(a) “Harmful to minors” includes means 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:~~

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

~~(ii) 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 adolescent minors and includes, but is not limited to, patently offensive representations or descriptions of:~~

~~1. Intimate sexual acts, normal or perverted, actual or simulated; or~~

~~2. Masturbation, excretory functions or lewd exhibition of the genitals or genital area.~~

~~(b) “Harmful to minors” shall not include material that 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 adolescent minors[.]”~~

Idaho Code § 18-1514(76).

Idaho Code defines “sexually explicit” as “the quality of any material when it contains erotic depictions of nudity, depicts sexual conduct or sado-masochistic abuse, or contains any explicit and detailed description or narrative account of sexual excitement, sexual conduct, or sado-masochistic abuse. “Sexually explicit” shall not include diagrams about anatomy for scientific education, religious books such as the Bible and the Torah, or content relating to classical works of art.” Idaho Code § 18-1514(12).

Idaho Code defines “adolescent minor” as “any person thirteen (13) years of age or older

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but less than eighteen (18) years of age.” Idaho Code § 18-1514(1).
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.~~

~~“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.~~

~~“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? _____

[CONTINUED ON NEXT PAGE]

- 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
- 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? _____
- iii.iv. In what ways do you believe the challenged material meets the definition of sexually explicit or 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 adolescent minors, as judged by the average person applying contemporary community standards?

[CONTINUED ON NEXT PAGE]

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

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

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

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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IN THE SENATE

SENATE BILL NO. 1448

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO MINORS; AMENDING SECTION 18-1514, IDAHO CODE, TO DEFINE TERMS,
2 TO REVISE DEFINITIONS, TO REMOVE A DEFINITION, AND TO MAKE TECHNICAL
3 CORRECTIONS; AMENDING SECTION 18-1515, IDAHO CODE, TO REVISE PROVI-
4 SIONS REGARDING DISSEMINATING MATERIAL HARMFUL TO MINORS; AMENDING
5 SECTION 18-1517B, IDAHO CODE, TO REVISE PROVISIONS REGARDING CHIL-
6 DREN'S SCHOOL AND LIBRARY PROTECTION; AMENDING SECTION 18-4105, IDAHO
7 CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 67-6533, IDAHO CODE,
8 TO REVISE A REFERENCE; AND DECLARING AN EMERGENCY AND PROVIDING AN EF-
9 FECTIVE DATE.
10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Section 18-1514, Idaho Code, be, and the same is hereby
13 amended to read as follows:

14 18-1514. OBSCENE MATERIALS -- DEFINITIONS. The following definitions
15 are applicable to this act:

16 (1) "Adolescent minor" means any person thirteen (13) years of age or
17 older but less than eighteen (18) years of age.

18 ~~1-~~ (2) "Minor" means any person less than eighteen (18) years of age.

19 ~~2-~~ (3) "Nudity" means the showing of the human male or female genitals,
20 pubic area or buttocks with less than a full opaque covering, or the show-
21 ing of the female breast with less than a full opaque covering of any portion
22 thereof below the top of the nipple, or the depiction of covered male geni-
23 tals in a discernibly turgid state.

24 ~~3-~~ (4) "Sexual conduct" means any act of masturbation, homosexuality,
25 sexual intercourse, or physical contact with a person's clothed or unclothed
26 genitals, pubic area, buttocks or, if such person be a female, the breast.
27 Breastfeeding, childbearing, medical procedures and examinations, and any
28 other nonerotic physical contact shall not be considered sexual conduct.

29 ~~4-~~ (5) "Sexual excitement" means the condition of human male or female
30 genitals when in a state of sexual stimulation or arousal.

31 ~~5-~~ (6) "Sado-masochistic abuse" means flagellation or torture by or
32 upon a person who is nude or clad in undergarments, a mask or bizarre costume,
33 or the condition of being fettered, bound or otherwise physically restrained
34 on the part of one who is nude or so clothed.

35 ~~6-~~ (7) (a) "Harmful to minors" ~~includes in its meaning~~ means the quality
36 of any material ~~or of any performance or of any description or represen-~~
37 tation, in whatever form, of nudity, sexual conduct, sexual excitement,
38 ~~or sado-masochistic abuse,~~ when it:

39 ~~(a)~~ (i) Appeals Taken as a whole, appeals to the prurient inter-
40 est of adolescent minors as judged by the average person, applying
41 contemporary community standards; and

1 ~~(b)~~ (ii) Depicts or describes representations or descriptions
 2 of nudity, sexual conduct, sexual excitement, or sado-masochis-
 3 tic abuse which are patently offensive to prevailing standards in
 4 the adult community with respect to what is suitable material for
 5 adolescent minors and includes, but is not limited to, patently
 6 offensive representations or descriptions of:

7 ~~(i)~~ 1. Intimate sexual acts, normal or perverted, actual or
 8 simulated; or

9 ~~(ii)~~ 2. Masturbation, excretory functions or lewd exhibi-
 10 tion of the genitals or genital area. ~~Nothing herein~~
 11 ~~contained is intended to include or proscribe any matter~~
 12 ~~which, when considered as a whole, and in context in which it~~
 13 ~~is used, possesses serious literary, artistic, political or~~
 14 ~~scientific value for minors.~~

15 (b) "Harmful to minors" shall not include material that, when consid-
 16 ered as a whole, possesses serious literary, artistic, political, or
 17 scientific value for adolescent minors.

18 ~~7. (8) "Material" means anything tangible which is harmful to minors,~~
 19 ~~whether derived through the medium of reading, observation, or sound, in-~~
 20 ~~cluding any picture, photograph, drawing, sculpture, motion picture, film,~~
 21 ~~or similar visual representation or image or any book, pamphlet, magazine,~~
 22 ~~printed matter however reproduced, or sound recording.~~

23 ~~8. "Performance" means any play, motion picture, dance or other exhibi-~~
 24 ~~tion performed before an audience.~~

25 ~~9. (9) "Promote" means to manufacture, issue, sell, give, provide, de-~~
 26 ~~liver, publish, distribute, circulate, disseminate, present, exhibit or ad-~~
 27 ~~vertise, or to offer or agree to do the same.~~

28 ~~10. (10) "Knowingly" means having general knowledge of, or reason to~~
 29 ~~know, or a belief or reasonable ground for belief that warrants further in-~~
 30 ~~spection or inquiry.~~

31 ~~11. (11) "School" means any public or private school providing instruc-~~
 32 ~~tion for students in kindergarten through grade 12.~~

33 (12) "Sexually explicit" means the quality of any material when it con-
 34 tains erotic depictions of nudity, depicts sexual conduct or sado-masochis-
 35 tic abuse, or contains any explicit and detailed description or narrative
 36 account of sexual excitement, sexual conduct, or sado-masochistic abuse.
 37 "Sexually explicit" shall not include diagrams about anatomy for scientific
 38 education, religious books such as the Bible and the Torah, or content relat-
 39 ing to classical works of art.

40 SECTION 2. That Section 18-1515, Idaho Code, be, and the same is hereby
 41 amended to read as follows:

42 18-1515. DISSEMINATING MATERIAL HARMFUL TO MINORS -- DEFINED --
 43 PENALTY. A person is guilty of disseminating material harmful to minors
 44 when:

45 1. He knowingly gives or makes available to a minor or promotes or pos-
 46 sesses with intent to promote to minors, or he knowingly sells or loans to
 47 a minor for monetary consideration: any material that is sexually explicit
 48 and, taken as a whole, is harmful to minors.

1 ~~(a) Any picture, photograph, drawing, sculpture, motion picture film,~~
 2 ~~or similar visual representation or image of a person or portion of the~~
 3 ~~human body which depicts nudity, sexual conduct or sado-masochistic~~
 4 ~~abuse and which is harmful to minors; or~~

5 ~~(b) Any book, pamphlet, magazine, printed matter however reproduced,~~
 6 ~~or sound recording which contains any matter enumerated in paragraph~~
 7 ~~(a) hereof, or explicit and detailed verbal descriptions or narrative~~
 8 ~~accounts of sexual excitement, sexual conduct or sado-masochistic~~
 9 ~~abuse and which, taken as a whole, is harmful to minors; or~~

10 ~~(c) Any other material harmful to minors.~~

11 2. With reference to a motion picture, show or other presentation which
 12 depicts nudity, sexual conduct or sado-masochistic abuse, and which that is
 13 sexually explicit and, taken as a whole, is harmful to minors, he knowingly:

14 (a) Exhibits such motion picture, show or other presentation to a minor
 15 for a monetary consideration; or

16 (b) Sells to a minor an admission ticket or pass to premises whereon
 17 there is exhibited or to be exhibited such motion picture, show or other
 18 presentation; or

19 (c) Admits a minor for a monetary consideration to premises whereon
 20 there is exhibited or to be exhibited such motion picture, show or other
 21 presentation; or

22 (d) Exhibits such motion picture, show or other presentation to a minor
 23 not for a monetary consideration; or

24 (e) Gives without monetary consideration to a minor an admission ticket
 25 or pass to premises where there is exhibited or to be exhibited such mo-
 26 tion picture, show, or other presentation.

27 Disseminating material harmful to minors is a misdemeanor punishable by
 28 confinement in the county jail not to exceed one (1) year, or by a fine not to
 29 exceed one thousand dollars (\$1,000), or by both such fine and jail sentence.

30 SECTION 3. That Section 18-1517B, Idaho Code, be, and the same is hereby
 31 amended to read as follows:

32 18-1517B. CHILDREN'S SCHOOL AND LIBRARY PROTECTION. (1) This section
 33 shall be known and may be cited as the "Children's School and Library Protec-
 34 tion Act."

35 (2) Notwithstanding any other provision of law, a school or public li-
 36 brary, or an agent thereof, shall not promote, give, or make available to a
 37 minor: any material that is sexually explicit and, taken as a whole, is harm-
 38 ful to minors.

39 ~~(a) Any picture, photograph, drawing, sculpture, motion picture film,~~
 40 ~~or similar visual representation or image of a person or portion of the~~
 41 ~~human body that depicts nudity, sexual conduct, or sado-masochistic~~
 42 ~~abuse and that is harmful to minors;~~

43 ~~(b) Any book, pamphlet, magazine, printed matter however reproduced,~~
 44 ~~or sound recording that contains any matter pursuant to paragraph (a) of~~
 45 ~~this subsection or explicit and detailed verbal descriptions or narra-~~
 46 ~~tive accounts of sexual excitement, sexual conduct, or sado-masochis-~~
 47 ~~tic abuse and that, taken as a whole, is harmful to minors; or~~

48 ~~(c) Any other material harmful to minors.~~

1 (3) Any minor who obtains material, or parent or legal guardian whose
2 child obtained material, in violation of the provisions of subsection (2)
3 of this section from a school or public library shall have a cause of action
4 against such institution if:

5 (a) The institution gave or made available the material harmful to mi-
6 ners, or the institution failed to take reasonable steps to restrict ac-
7 cess by minors to the material harmful to minors;

8 (b) Prior to the filing of a cause of action, the minor, parent, or le-
9 gal guardian has provided written notice to the school or public library
10 asking for the relocation of such material to a section designated for
11 adults only within sixty (60) days of receipt of the written notice; and

12 (c) Upon receipt of written notice and subsequent to the expiration of
13 sixty (60) days, the institution's library board or board of trustees
14 failed to relocate the material ~~harmful to minors~~ to an area with adult
15 access only.

16 (4) Any minor, parent, or legal guardian who prevails in an action
17 brought under this section may recover two hundred fifty dollars (\$250) in
18 statutory damages as well as actual damages and any other relief available
19 by law, including but not limited to injunctive relief sufficient to prevent
20 the defendant school or public library from violating the requirements of
21 this section.

22 (5) A county prosecuting attorney or the attorney general shall have a
23 cause of action for injunctive relief against any school or public library
24 that violates the provisions of subsection (2) of this section. The injunc-
25 tion shall be sufficient to prevent the defendant school or public library
26 from violating the requirements of this section.

27 (6) It shall be an affirmative defense to civil liability under this
28 section that the defendant:

29 (a) Had reasonable cause to believe that the minor involved was eigh-
30 teen (18) years of age or older or such minor exhibited to the defendant
31 a draft card, driver's license, birth certificate, or other official or
32 apparently official document purporting to establish that the minor was
33 eighteen (18) years of age or older; or

34 (b) Verified the minor involved was accompanied, at the time of the act,
35 by his parent or legal guardian, or by another adult and the adult rep-
36 resented that he was the minor's parent or legal guardian and signed a
37 written statement to that effect.

38 (7) Each school and public library shall have a policy and readily ac-
39 cessible form allowing a person to request review of material the person con-
40 siders to be harmful to minors. Such form shall contain the definitions of
41 "sexually explicit" and "harmful to minors," as provided in section 18-1514,
42 Idaho Code.

43 (8) Any action brought pursuant to this section by or on behalf of a mi-
44 nor shall be in accordance with the provisions of chapter 9, title 6, Idaho
45 Code, section 5-306, Idaho Code, and rule 17 of the Idaho rules of civil pro-
46 cedure.

47 SECTION 4. That Section 18-4105, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 18-4105. PUBLIC DISPLAY OF OFFENSIVE SEXUAL MATERIAL -- PENALTY. Any
 2 person who knowingly exhibits or displays or permits to be exhibited or dis-
 3 played any of the following in such a manner that such exhibit or display
 4 is easily visible from any street, sidewalk, thoroughfare, or other public
 5 area; or is visible from any transportation facility; or is visible from any
 6 residence when the person knows that the owner or occupant of such residence
 7 objects to such exhibit or display:

8 (a) Human genitals or pubic area without a full opaque covering, or any
 9 graphic or pictorial depiction thereof, or any depiction of covered male
 10 genitals in a discernibly erect state;

11 (b) An actual or simulated sex act, or sexual contact between humans and
 12 animals, or masturbation, or any graphic or pictorial display thereof; or

13 (c) Any depiction of sado-masochistic abuse, as defined in section
 14 18-1514(5), Idaho Code, is guilty of a misdemeanor.

15 SECTION 5. That Section 67-6533, Idaho Code, be, and the same is hereby
 16 amended to read as follows:

17 67-6533. LOCATION OF STORES SELLING SEXUAL MATERIAL RESTRICTED IN
 18 CERTAIN AREAS. (a) From and after January 1, 1980, no person or entity shall
 19 own or operate any store, shop or business which sells or rents any mate-
 20 rials defined as obscene materials in section 18-4101, Idaho Code, within
 21 twenty-five hundred (2500) feet of any school, church, or place of worship
 22 measured in a straight line to the nearest entrance to the premises.

23 (b) From and after January 1, 1980, no person or entity shall own or op-
 24 erate any store, shop or business which sells or rents any materials defined
 25 ~~in subsection 1 of section 18-1515~~ as harmful to minors and as sexually ex-
 26 PLICIT pursuant to section 18-1514, Idaho Code, where such materials consti-
 27 tute ten percent (10%) or more of the printed materials held for sale or rent
 28 of such store, shop or business, within twenty-five hundred (2500) feet of
 29 any school, church, or place of worship measured in a straight line to the
 30 nearest entrance to the premises.

31 (c) From and after the effective date of this act, a violation of sub-
 32 section (a) or subsection (b) of this section shall be a misdemeanor.

33 (d) A judge of a court of competent jurisdiction shall immediately is-
 34 sue a temporary restraining order for a violation of subsection (a) or sub-
 35 section (b) of this section upon application therefore by any public or pri-
 36 vate entity or person and upon compliance with the Idaho rules of civil pro-
 37 cedure, except that no bond or security for the issuance of such restraining
 38 order shall be required. Further, a violation of subsection (a) or subsec-
 39 tion (b) of this section shall subject the person and entities therefore to
 40 a preliminary and permanent order of any court of this state enjoining them
 41 from such violation and no bond or security shall be required from the plain-
 42 tiff or applicant therefore.

43 (e) No entity, public or private, nor any person shall be liable for any
 44 damages, costs or attorney fees for any acts attempting to civilly or crimi-
 45 nally enforce this section.

46 (f) Nothing contained in this section shall preempt or prohibit cities
 47 or counties from regulating or restricting the location of the business ac-
 48 tivity described in this section and cities and counties are hereby specifi-

1 cally authorized to so regulate or restrict the location of said business ac-
2 tivity.

3 SECTION 6. An emergency existing therefor, which emergency is hereby
4 declared to exist, this act shall be in full force and effect on and after
5 July 1, 2026.