



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-4828/1
SWB:emw

2023 SENATE BILL 615

November 7, 2023 - Introduced by Senators ROYS, AGARD, HESSELBEIN and SMITH, cosponsored by Representatives EMERSON, CONSIDINE, SINICKI, OHNSTAD, CONLEY, BARE, SHELTON, RATCLIFF, CLANCY, BALDEH, JOERS, PALMERI, DRAKE, MOORE OMOKUNDE, MADISON and JACOBSON. Referred to Committee on Government Operations.

1 **AN ACT** *to create* 20.935 of the statutes; **relating to:** prohibiting certain
2 restrictions by state agencies and local governmental units on access to books
3 and other media and prohibiting public funding for a library, school, or
4 institution of higher learning that has certain restrictions on access to books
5 and other media.

Analysis by the Legislative Reference Bureau

This bill provides that no library, public or private elementary or secondary school, or institution of higher education is eligible for receipt of state or local funds if the entity prohibits, bans, or unreasonably restricts access to any book or other media based upon 1) partisan or doctrinal disapproval or 2) the origin, background, or views of those contributing to the creation of the book or other media. The bill also provides that no state agency or local governmental unit may prohibit, ban, or unreasonably restrict access to any book or other media on these bases. The provisions of the bill do not apply to any age-based restriction on obscene or pornographic material and do not apply to prison libraries operated by the Department of Corrections; libraries in jails, Type 1 juvenile correctional facilities,

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juvenile detention facilities, or secured residential care centers for children and youth; or libraries in institutions operated by the Department of Health Services.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.935 of the statutes is created to read:

2 **20.935 Prohibitions on funding for entities enforcing book bans. (1)**

3 In this section:

4 (a) “Institution of higher education” means an institution or college campus
5 within the University of Wisconsin System, a technical college within the technical
6 college system, or a private, nonprofit institution of higher education located in this
7 state.

8 (b) “Library” has the meaning given in s. 943.61 (1) (b).

9 (c) “Local governmental unit” means a political subdivision of this state, a
10 special purpose district in this state, an agency or corporation of a political
11 subdivision or special purpose district, or a combination or subunit of any of the
12 foregoing.

13 (d) “State agency” has the meaning given in s. 20.931 (1) (c).

14 **(2)** No library, public or private elementary or secondary school, or institution
15 of higher education shall be eligible for receipt of funds of this state or of any local
16 governmental unit if the library, public or private elementary or secondary school,
17 or institution of higher education prohibits, bans, or unreasonably restricts access
18 to any book or other media based upon any of the following:

19 (a) Partisan or doctrinal disapproval.

20 (b) The origin, background, or views of the person or persons contributing to
21 the creation of the book or other media.

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1 **(3)** No state agency or local governmental unit may prohibit, ban, or
2 unreasonably restrict access to any book or other media based upon any of the
3 following:

4 (a) Partisan or doctrinal disapproval.

5 (b) The origin, background, or views of the person or persons contributing to
6 the creation of the book or other media.

7 **(4)** Subsections (2) and (3) do not apply to any of the following:

8 (a) Age-based restrictions on obscene or pornographic material.

9 (b) Prison libraries operated by the department of corrections; libraries in jails,
10 Type 1 juvenile correctional facilities, as defined in s. 938.02 (19), juvenile detention
11 facilities, or secured residential care centers for children and youth; or libraries in
12 institutions operated by the department of health services.

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(END)