

Chairman Klemin and members of the North Dakota House Judiciary Committee,

Thank you for this opportunity to express my opinion as a citizen of Valley City, North Dakota, a public library patron, former professional librarian, educator, and mother of a now grown son.

Please do not pass HB 1205. It is completely unnecessary legislation.

Virtually all public libraries already have comprehensive collection development policies in place that reflect the needs and wants of their service community. They also have policies and procedures in place to address patron challenges to items in their collection. All of HB 1205 Section 2:5 already exists in public libraries as a matter of best practices. State level legislation is unnecessary.

HB 1205 Section 2:3 is already a standard practice in virtually all public libraries. However, Section 2:4 requires that any book objected to by any one patron should be automatically removed without further review of whether a complaint has merit or not. This could easily lead to many materials of value being removed because it offended one person. If a book offends one or two people, or the subject matter makes a few uncomfortable, access to it should not be denied to the rest of the community.

I do not know of any public library that intentionally seeks to collect pornographic materials, and certainly not for any “commercial gain.”

HB 1205 Section 2:1a lists what is not included under this bill: “works of art, when taken as a whole, have serious artistic significance, or works of anthropological significance, or materials used in science courses, including materials used in biology, anatomy, physiology, or sexual education classes.” However, most challenges to library materials have come from patrons taking photographs or illustrations *out* of the context of the work as a whole.

HB 1205 assumes that all persons have equal access to textbooks and literature in a classroom setting and can afford to purchase entertainment materials. This is not always the case. Some may depend on a public library to have access to these materials.

This bill assumes that all persons can equally process written information without the assistance of photographs or illustrations. This is not true. Some patrons of all ages need to rely upon illustrated materials to understand the subject matter or story.

Non-fiction works on sexual education will inevitably contain images that when taken out of context could be construed as pornographic. Images from a health text on various diseases or books with information on breastfeeding, when taken out of context, could be called pornographic by some people.

Section 2:1a:1, 3, 4, 7 and 8 are all things that are part of any healthy human sexual experience and would naturally be part of a text designed for sexual education.

Who gets to decide how sections 2:1a;2 and 2:1a;9 are to be defined or interpreted?

Items mentioned in section 2:1a10, 11, and 12 would prohibit materials that refer to part of a federally protected class of citizens and therefore would discriminate against these patrons.

Not every book in a public library will appeal to everyone, nor should it. A collection needs to fulfill the needs of the whole community, and not cater to only a select few.

HB 1205 is blatantly promoting that public library materials be censored based upon the subjective opinions of a few. Collection decisions should not be dictated at the state level.

In state that openly promotes individual freedoms, I find it abhorrent that our state legislators are advocating for this type of censorship.

Sincerely,

A handwritten signature in black ink, reading "Victoria M. Hammel". The signature is written in a cursive style with a large, looped "V" and "H".

Victoria M. Hammel  
January 16, 2023