

March 14, 2023

**Re: SB 2360 – OPPOSE**

Chairman Klemin and Members of the House Judiciary Committee:

For the record my name is Christine Kujawa, Library Director at Bismarck Veterans Memorial Public Library and I oppose Senate Bill 2360.

Much like HB 1205, SB 2360 is vague, broad, disregards many considerations, and would prohibit people of all ages from accessing information. The definition of “obscene” is defined by being “judged by a reasonable adult.” If the deciding factor is based on a judgement, then is it not subjective? How can you consider a criminal penalty for something that is subjective and based on personal judgment, especially when you’re dealing with the livelihoods and integrity of our state’s public librarians who strive to create an informed and connected citizenry that our communities expect and deserve?

Furthermore, SB 2360 will result in the removal of millions of articles and other digital information for our citizens. I’m sure our database providers will not take on the task of deciding what may or may not be obscene, and as a result, we will have to remove these resources altogether. I consulted with one of our vendors OverDrive, and if this bill passes, we will be responsible, not the vendor, for reading and inspecting over 72,000 titles from this collection and using our subjective, personal judgement to censor information from our citizens. How long might it take, and how many staff would be needed, to sift through 72,000 titles from this one database, along with the several other online resources we have? What amount of funding will this require and where is it coming from? Is the state giving it to us?

It doesn’t matter that our library filters the Internet because digital resources are available anywhere with one’s library card and an Internet connection. We subscribe to two databases, Libby and hoopla, which provide access to a mixture of over 1.3 million eBooks, audiobooks, and videos, with 150,000 downloads annually. The cost for these resources is funded through the Friends of the Bismarck Public Library and the library’s budget. If this bill becomes law we’d have no choice but to either remove titles one by one or end the subscription completely if that’s not possible. We would be out the taxpayer and donated funds we’ve put into them. If a minor checks out a title at home and their parent finds it inappropriate, and I can’t remove it, according to this bill, I could be fined and jailed for this, too, is that correct?

As a lifelong citizen of North Dakota, this bill, along with HB 1205, is an embarrassment to our state, our citizens, and anyone considering making North Dakota their home. Censoring intellectual and academic freedom raises significant constitutional questions and issues. Both HB 1205 and SB 2360 violate the First Amendment. These bills interfere with librarians’ ability to make decisions within our institutions per our policies and procedures, which have been approved by our Board of Directors, who have been approved by our City Commissions. This bill undermines our ability to build our collections that will interest and edify our diverse communities who are utilizing them.

Each of us gets to decide for ourselves the information we want to access but we don’t get to choose for other people. If you find a book, an article, or other information objectionable, you have the right to not look at it. And, of course, in the case of minors, it should be the parent who decides what their children access, no different from everything they see on the Internet and television.

Please choose "DO NOT PASS" on SB 2360. If HB 1205 comes across your desks in some form again, I ask that you choose "DO NOT PASS" for that bill, as well.

Sincerely,  
Christine Kujawa  
Library Director  
Bismarck Veterans Memorial Public Library