

February 14, 2023

**Re: SB 2360 – OPPOSED**

Chairman Larson and Members of the Senate 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 SB 2123 and 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 completely subjective. Even in current obscenity law, it 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 so 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. 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 partially funded through the Friends of the Bismarck Public Library. In the case of the hoopla database, we get a suite of titles and don't have the authority to add or remove titles. If this bill becomes law we'd have no choice but to end this subscription and would be out the taxpayer and donated funds we put into it. 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 the other two, are 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. Forcing public librarians to censor information by tacking on a criminal penalty is offensive and abhorrent. 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.

Respectfully,

Christine Kujawa  
Bismarck, ND