

# Lawmakers debate bill that could send librarians to jail

By Ty Tagami  
Capitol Beat News Service

Legislation to strip librarians of their criminal immunity from a law that makes it illegal to give "harmful" books and other content to minors is moving quickly through the Georgia General Assembly, after passing a House committee in a partisan vote Friday.

Conservatives and religious advocates have been pushing for years to revoke the librarian exemption from a 1980s obscenity law that makes

it a crime to knowingly give a minor a visual, written or recorded work depicting sex or sexuality in a way that offends the "prevailing standards" of a community.

The Senate legislation that passed one of the state House's judiciary committees Friday would subject librarians in public libraries, schools and colleges to prosecution for violating that law.

Previously, Senate Bill 74 sought to remove the librarian shield entirely. But amendments added Friday would only take it from librarians

who fail to comply with their library or school board decisions concerning complaints about books and other materials.

"If the librarian follows what the governing board says, then that's it, the end," said Rep. Soo Hong, R-Lawrenceville, who based her amendment off wording suggested by a West Georgia library director at a previous hearing.

The bill passed 6-5 along party lines, with Democrats opposed.

Critics have long contended that the move to

strip librarians of their legal protection is part of a strategy to scrub libraries of books about sexuality and gender orientation. SB 74 relies on a section of state law that includes sexual conduct as content considered to be harmful to minors. The law's definition of sexual conduct includes "acts of masturbation, homosexuality, sexual intercourse ..."

Rep. Shea Roberts, D-Atlanta, argued that SB 74, in conjunction with that existing definition, would lead to the ban-

ning of books "where two boys are holding hands."

Rep. Rob Leverett, R-Elberton, disagreed with her interpretation. "It's talking about sexual contact, contact involving, you know, our privates," he said.

Leverett also disagreed with Rep. Esther Panitch, D-Sandy Springs, who predicted that the bill, should it become law, would effectively become a book "ban" by encouraging extreme caution among library boards.

They would become "censorship boards," she

said.

"When the choice is between keeping a challenged book on the shelf or exposing your libraries to prosecution, the book will lose every time," Panitch said, adding that one arrest and mugshot of a librarian who defended a controversial book would cause every library in the state to remove it.

Giving harmful material to a minor is a misdemeanor of "a high and aggravated nature," punishable by up to 12 months in jail and a fine of up to \$5,000.

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1 Peter 5:6 (NIV)

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-James Stone

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