



H5726: "Freedom to Read Act" Issue Brief

Rhode Island Library Association – in support

The freedom to read is a human right, constitutionally protected by the First Amendment to the United States Constitution, and Article 1, Section 21 of the Rhode Island Constitution. Individuals have the right to **free speech, free inquiry** and the **right to form and express their own opinions**.

It is the responsibility of the government at all levels to protect the freedom to read.

- The freedom to read does not require a person to agree with topics or themes within a material, but instead allows an individual to explore and engage with differing perspectives to form and inform their own views;
- Authors, creators, and publishers have a right to communicate their ideas to anyone who is interested in receiving them. Students and library patrons of all ages have a corresponding right to encounter them without government interference;
- Parents have the right to guide their own children's reading and viewing choices in libraries, but not dictate what other people's children are allowed to read.
- A librarian is professionally trained to curate and develop age relevant collections sufficient in size and varied in subject matter to benefit their community.
- School and Public Libraries must have a **collection development policy** and a **reconsideration policy** adopted by their respective governing bodies. Required elements are detailed in the bill.

Why is the Freedom to Read Act important now?

The American Library Association's (ALA) Office for Intellectual Freedom documented **1,247 demands to censor library books, materials, and resources in 2023**. 4,240 unique titles were challenged in 2023 compared to 223 in 2020!

Four key trends emerged from the data gathered from 2023 censorship reports:

- Pressure groups in 2023 focused on public libraries in addition to targeting school libraries. The number of titles targeted for **censorship at public libraries increased by 92 percent** over the previous year; **school libraries saw an 11 percent increase**.
- Groups and individuals demanding the censorship of multiple titles, often dozens or hundreds at a time, drove this surge.
- Titles representing the voices and lived experiences of LGBTQIA+ and BIPOC individuals made up 47 percent of those targeted in censorship attempts.

Rhode Island has seen an increase in attempts to ban books from school libraries, with parents and organized groups targeting 28 titles ([*RI 'Freedom to Read' bill would protect librarians from censorship prosecution. What to know.*](#) By Katherine Gregg. Providence Journal, 3/6/2025.)

Key points:

- This legislation does not limit a parents' right to guide *their own children's reading selections* in school or public libraries in any way.
- Librarians utilize professional journals and reviews, award lists, school curriculum, subject matter experts, and community interests to guide their selections of library materials.

Key differences between legislation introduced in 2024 vs. 2025

Freedom to Read:

- The new bill addresses Freedom to Read **in public libraries and school libraries**; the 2024 version only addressed public libraries.
- The new bill specifically states that **authors, creators, and publishers have a right to communicate their ideas to anyone who is interested in receiving them** and that books should not be removed because of the origin, background, or views of the library material or **of those contributing to its creation**.
- The new Freedom to Read bill **requires school & public libraries to adopt collection development & reconsideration policies, which are tied back to their governing body**; School Committee in the case of schools and the Board of Trustees in the case of public libraries. Those governing authorities delegate the work of managing collections to master degreed-trained librarians through these policies.
- The new bill **limits the ability to request reconsideration of library materials to people with a "vested interest."**
 - "Individual with a vested interest in the public library" means any resident who is served by the public library and resides in the municipality where the library is situated.
 - "Individual with a vested interest in the school library" means any teaching staff member employed by the school district, any parent or guardian of a student enrolled in the school district at the time the removal form is filed, and any student enrolled in the district at the time the removal form is filed.
- Addition of **private right of action provision**: An Anti-Censorship claim is established under this section when a government body censors or orders others to censor library materials outside of the normal reconsideration process; or imposes discipline, threatens to impose discipline, or terminates a school or library employee for refusing to censor library materials. Librarians, students, authors, publishers, and booksellers have a right, in these cases, to have their attorney fees covered without utilizing library funds already granted to the library for operations or other purposes.

Legal protections in state obscenity statutes:

- An affirmative defense is included in RI obscenity statutes for a library, school, or museum and their employees if a charge is brought under this statute. This aligns with decades old protections in all other New England states and 40+ states across the country. This is necessary because there is a movement to accuse librarians and educators of peddling pornography in our libraries. This false narrative is using the term pornography to define any material by LGBTQIA+ voices.