

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 622

Representative Cutrona

A BILL

To amend section 5747.48 and to enact section 1
3375.68 of the Revised Code to require each 2
board of public library trustees to adopt a 3
policy that prohibits its libraries from 4
displaying matter harmful to juveniles and to 5
redistribute the public library funds of 6
libraries that fail to do so. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 5747.48 be amended and section 8
3375.68 of the Revised Code be enacted to read as follows: 9

Sec. 3375.68. (A) As used in this section, "harmful to 10
juveniles" has the same meaning as in section 2907.01 of the 11
Revised Code. 12

(B) Each board of public library trustees shall adopt a 13
policy that requires each library under its control to do both 14
of the following: 15

(1) Prohibit patrons under eighteen years of age from 16
borrowing or viewing materials that are harmful to juveniles 17
unless the library has received parental consent with respect to 18
any item to be viewed or borrowed by the patron; 19

(2) Conceal from viewing any materials that are harmful to juveniles so that the materials are not open to view by juveniles as part of the invited general public. 20
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(C) A library may comply with the requirement in division (A) (2) of this section by doing any of the following with respect to material that is harmful to juveniles: 23
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(1) Placing the material behind blinder racks or similar devices that cover at least the lower two-thirds of the material; 26
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(2) Wrapping the material; 29

(3) Placing the material behind a circulation counter; 30

(4) Otherwise covering the material or locating it so that the portion that is harmful to juveniles is not open to the view of juveniles. 31
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(D) (1) A resident of this state who believes that a library is not complying with the requirements of division (B) or (C) of this section may file a complaint with the state library board. Upon receiving the complaint, the state library board shall investigate whether the library is complying with the requirements of division (B) or (C) of this section. If the board determines that the library is not complying with such a requirement, the board shall submit a report of the board's determination to the county treasurer of any county from which the library receives distributions from the county public library fund under section 5747.48 of the Revised Code. 34
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(2) Upon the request of a board of public library trustees of a library reported under division (D) (1) of this section as failing to comply with the requirements of division (B) or (C) of this section, the state library board shall evaluate whether 45
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the library is compliant with those requirements. If the state 49
library board determines that the library is in compliance with 50
those requirements, the board promptly shall issue an addendum 51
to the board's original report concerning the library to the 52
county treasurer of any county from which the library receives 53
distributions from the county public library fund under section 54
5747.48 of the Revised Code. 55

Sec. 5747.48. (A) On the fifteenth day of each month, the 56
county treasurer shall distribute the balance in the county 57
public library fund among the county, boards of public library 58
trustees, municipal corporations, and boards of township park 59
commissioners for which the county budget commission has fixed 60
an allocation from the fund in that year in accordance with 61
section 5705.32 of the Revised Code in the same proportions that 62
each such entity's allocation as fixed by the commission is of 63
the total of all such allocations in that year, except as 64
provided in division (B) of this section. 65

All money received into the treasury of a municipal 66
corporation or county shall be credited to the general fund 67
therein, provided that in a municipal corporation there shall be 68
credited to the funds established under division (D) of section 69
5705.09 of the Revised Code a portion of the total amount to be 70
credited to funds of the municipal corporation, which portion 71
shall be determined by multiplying the total amount to be 72
credited by the percentage that the funds credited under 73
division (D) of said section in 1938 bore to all the funds 74
credited under said section in 1938. If a municipal corporation 75
is in default with respect to the principal or interest of any 76
outstanding notes or bonds, the moneys distributed under this 77
section shall be credited to the funds established under 78
divisions (A), (B), (C), and (D) of section 5705.09 of the 79

Revised Code, in the same proportion in which the funds derived 80
from the levy for the previous year on the general tax list and 81
duplicate are divided. 82

(B) A county treasurer that has received a report 83
described in division (D) (1) of section 3375.68 of the Revised 84
Code shall not make the monthly payments otherwise required 85
under division (A) of this section to the board of public 86
library trustees of a library that is the subject of that 87
notice, beginning with the next required payment. Instead, the 88
county treasurer shall distribute any such payments among the 89
other boards of public library trustees, the county, and the 90
municipal corporations and boards of township park commissioners 91
fixed an allocation from the county public library fund. The 92
amount allocated to each board or subdivision shall equal the 93
amount of the forgone payment multiplied by a fraction, the 94
numerator of which is the amount of the board's or subdivision's 95
allocation for the applicable month, not accounting for any 96
adjustment required by this division, and the denominator of 97
which is the sum of the allocations of all such boards or 98
subdivisions for that month, not accounting for any adjustment 99
required by this division. 100

The county treasurer shall cease making the adjustment 101
described in this division beginning with the next payment 102
following the date the treasurer receives the addendum described 103
in division (D) (2) of section 3375.68 of the Revised Code. 104

Section 2. That existing section 5747.48 of the Revised 105
Code is hereby repealed. 106