

Dear Senator:

The Nebraska Library Association urges you to **oppose LB441**. This bill is scheduled for a hearing before the Judiciary Committee on **Friday, March 24th**. If passed, LB441 will make it possible under section [28-813](#) of Nebraska law to prosecute public and school library workers for lending library materials. This bill will result in increased legal expenses for local governments and school districts, a shortage of qualified library professionals and educators, and the censorship of legally protected information that taxpayers have a right to access. Please respect the expertise of librarians and educators and oppose LB441.

Providing age-appropriate content to children and their families is important. That is why library professionals who select materials for libraries generally have a master's degree in library science, possess an in-depth understanding of the needs of their community, and follow established policies to thoughtfully review materials before they are purchased and added to the library. Obscenity, which LB441 seeks to address, has a precise legal meaning and is defined in Nebraska Revised Statute [28-807](#). The reality is that obscene content is not provided in public libraries or schools. However, this bill will empower overzealous prosecutors to file charges against public library workers and educators serving their communities' information needs. And who will shoulder the cost of this litigation? It will be the Nebraska taxpayers whose money will be wasted because municipalities and school districts will be faced with legal costs due to the unwarranted prosecution that LB441 enables.

Did you have a favorite teacher or school librarian as a young person? Now imagine that person is serving one year in prison and was forced to pay a fine of \$1,000 because they provided you access to books. That is the maximum penalty for a Class I misdemeanor in Nebraska, which is exactly what this bill will allow. And LB441 does not only apply to educators or materials for children. The intellectual freedom rights of adults are also jeopardized as public libraries will become subject to section 28-813. The very real fear that library workers and educators could be criminally prosecuted for simply doing their jobs will make it challenging to attract qualified individuals to work in schools and public libraries in Nebraska. The legislature has already identified the shortage of teachers and school librarians as a critical issue for Nebraska, and LB441 will only worsen this problem.

Nebraskans have a right to read, access media, and seek out and receive information. It is this right to intellectual freedom that has been central to American democracy and innovation. Public libraries and schools already have local oversight in the form of library boards and school boards. These governing bodies have established policies and procedures that allow individuals to share their concerns regarding materials. Burdening Nebraska courts with an issue that already has a practical solution is shortsighted and unnecessary. LB441 will result in the censorship of legally protected information out of fear, and that is unconscionable and contrary to American values.

In summary, the Nebraska Library Association asks that you **oppose LB441 to prevent:**

- The waste of taxpayer dollars for municipalities and school districts to defend against the unwarranted prosecution of library professionals and educators
- An increase in the shortage of qualified library professionals and educators who will no longer feel safe working in Nebraska
- The violation of the intellectual freedom rights of Nebraskans due to the censorship of legally protected information
- Burdening Nebraska courts with an issue that is already overseen by local governing boards

If you have questions regarding this letter or the impact of LB441, please contact the Nebraska Library Association at nlaxexecutivedirector@nebraskalibraries.org. Thank you for your attention to this matter.

Sincerely,

Nebraska Library Association Board of Directors