

SDCL [22-24-56](#). Public library--Duty to limit minor's access to obscene materials--Policy required--Publication--Appeal.

Each public library in the state shall:

- (1) Equip each public access computer with software that will limit minors' ability to gain access to obscene matter or material, as defined by § [22-24-27](#), or purchase internet connectivity from an internet service provider that provides filter services to limit access to obscene material; and
- (2) Develop and implement, by January 1, 2025, a local policy that establishes measures to restrict minors from accessing obscene matter or materials. The policy must allow for an individual to appeal to the governing body of the public library, as defined in § [14-2-27](#), to determine whether any matter or material is obscene. Any determination made by the governing body as to whether any matter or material is obscene is subject to judicial review in a court of competent jurisdiction. The public library shall:
 - (a) Publish the policy on the official website of the political subdivision that maintains the library; or
 - (b) Publish the policy annually in a legal newspaper designated by the governing body of the political subdivision that maintains the library pursuant to § [7-18-3](#) or [9-12-6](#).

Source: SL 1999, ch 76, § 2; SL 2024, ch 86, § 2; SL 2025, ch 96, § 2.

SDCL [22-24-27](#). Definition of terms.

Terms used in §§ [22-24-25](#) to [22-24-37](#), inclusive, and §§ [22-24-69](#) to [22-24-73](#), inclusive, mean:

- (1) "Contemporary community standard," the contemporary community standard of the state in which the question of obscenity is to be tested, by the average person, of the state;
- (2) "Covered platform," a website for which it is in the regular course of the website's trade or business to create, host, or make available material that is harmful to minors;
- (3) "Distributed," to transfer possession of, whether with or without consideration;
- (4) "Exhibit," to show or display;
- (5) "Harmful to minors," includes in its meaning the quality of any material or of any performance or of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, if it:
 - (a) Predominantly appeals to the prurient, shameful, or morbid interest of minors;
 - (b) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
 - (c) Is without serious literary, artistic, political, or scientific value;
- (6) "Magistrate," any circuit court or magistrate judge;
- (7) "Material," anything tangible that is harmful to minors, whether derived through the medium of reading, observation, or sound;

- (8) "Matter" or "material," any book, magazine, newspaper, or other printed or written material; any picture, drawing, photograph, motion picture, or other pictorial representation; any statue or other figure; recording, transcription or mechanical, chemical, or electrical reproduction; or any other articles, equipment, machines, or materials;
- (9) "Minor," any person less than eighteen years of age;
- (10) "Nudity," within the meaning of subdivision (5) of this section, the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, the showing of the female breast with less than a full opaque covering or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state;
- (11) "Obscene live conduct," any physical human body activity, whether performed or engaged in alone or with other persons, including singing, speaking, dancing, acting, simulation, or pantomiming, where:
 - (a) The dominant theme of such conduct, taken as a whole, appeals to a prurient interest;
 - (b) The conduct is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters; and
 - (c) The conduct is without serious literary, artistic, political, or scientific value.

In prosecutions under §§ [22-24-27](#) to [22-24-37](#), inclusive, if circumstances of production, presentation, advertising, or exhibition indicate that live conduct is being commercially exploited by the defendant for the sake of its prurient appeal, the evidence is probative with respect to the nature of the conduct;

- (12) "Obscene material," material:
 - (a) The dominant theme of which, taken as a whole, appeals to the prurient interest;
 - (b) That is patently offensive because it affronts contemporary community standards relating to the description or representation of sado-masochistic abuse or sexual conduct; and
 - (c) That lacks serious literary, artistic, political, or scientific value.

In prosecutions under §§ [22-24-27](#) to [22-24-37](#), inclusive, if circumstances of production, presentation, sale, dissemination, or publicity indicate that the matter is being commercially exploited by the defendant for the sake of its prurient appeal, the evidence is probative with respect to the nature of the matter;

- (13) "Prurient interest," a shameful or morbid interest in nudity, sex, or excretion, that goes substantially beyond customary limits of candor in description or representation of such matters. If it appears from the character of the material or the circumstances of its dissemination that the subject matter is designed for a specially susceptible audience or clearly defined deviant sexual group, the appeal of the subject matter must be judged with reference to such audience or group;

- (14) "Reasonable age verification," any method by which a covered platform confirms that an individual attempting to access material that is harmful to minors is at least eighteen years of age by verifying:
 - (a) A state-issued driver license or non-driver identification card;
 - (b) The individual's bank account information;
 - (c) A debit or credit card from the individual that requires the individual in ownership of the card to be at least eighteen years of age; or
 - (d) Any other method or document that reliably and accurately indicates if a user of a covered platform is a minor and prevents a minor from accessing the content of a covered platform;
- (15) "Sado-masochistic abuse," flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or bizarre costume; or the condition of being fettered, bound, or otherwise physically restrained on the part of one who is nude or so clothed;
- (16) "Sexual conduct," within the meaning of subdivision (5) of this section, any act of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such person be a female, the breast; and
- (17) "Sexual excitement," the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Source: SL 1968, ch 29, § 1; SDCL Supp, § 22-24-11; SL 1974, ch 165, § 1; SL 1976, ch 158, §§ 24-3 to 24-5; SL 1994, ch 167, § 3; SL 2005, ch 120, § 303; SL 2025, ch 95, § 1.