
LIBRARY PATRON CONDUCT AND SAFETY POLICIES

MONTANA STATE LIBRARY
SUMMER 2025

These materials are designed to provide information regarding areas of the law and best practices concerning the identified topics. These materials are not intended to be a rendering of legal advice. The reader of these materials should request legal advice from an attorney on specific legal inquiries.

INTENDED OUTCOMES

This session provides library leaders foundational guidance about the drafting, adoption, and enforcement of patron conduct and library safety policies. Emerging and ongoing issues are presented so participants complete the session with renewed confidence in handling patron behavior matters.

FEDERAL CASE LAW

- *Kreimer v. Bureau of Police for the Town of Morristown, et al*, 958 F.2d 1242 (3d Cir. 1992)
 - The First Amendment inherently includes prohibition on government attempts to restrict or otherwise interfere with access to information absent a compelling state interest.
 - Rights come with responsibilities and where the rights are exercised will play an important role in determining those responsibilities.
 - A public library is a designated public forum so the government retains authority over such a forum “to avoid interruptions to the performance of the duties of its employees.”
 - Review of the government’s authority is based on a reasonableness standard requiring rules to be narrowly tailored to the library’s mission.
 - The court stated that, “as a limited public forum, the Library is obligated only to permit the public to exercise rights that are consistent with the nature of the Library and consistent with the government’s intent in designating the Library as a public forum. Other activities need not be tolerated.”
 - As a designated limited public forum, the Library had an obligation to enact and enforce rules in a nondiscriminatory manner so all patrons could enjoy the Library have their First Amendment right to access information also upheld.
 - One patron’s First Amendment rights to access information does not get to prevent others from seeking to exercise the same rights. A library must balance these patrons’ rights with its obligation to provide an appropriate forum.
 - Libraries can establish reasonable rules governing library use, and libraries may regulate non-expressive activity designed to promote safety or efficient access to materials, resources, and library spaces.

KREIMER SUMMARY

In an article for *Library and Archival Security*, Grayson Barber summarized the findings from Kreimer as follows:

1. there is a First Amendment right to receive information;
2. it is possible to violate the First Amendment by expelling library customers;
3. however, it is okay to expel customers who violate the library's behavior policy;
4. behavior policies must meet First Amendment standards;
5. policies may impose time, place, and manner restrictions, and they must be nondiscriminatory;
6. customers must be given an opportunity to appeal to have their access restored;
7. rules of conduct can serve to protect the use of the library as a public entity with a defined mission;
8. it is vastly to the library's advantage to adopt behavior policies; and
9. you cannot prevent a disgruntled patron from suing the library, but you can defend your conduct.

Barber, G. (2012). "The Legacy: *Kreimer v. Bureau of Police*, Twenty Years Later." *Library & Archival Security*, 25:1, 89-94.

All library must be enforced in concert with other laws and policies. So long as the rules are enforced in a non-discriminatory manner consistent with applicable state and federal anti-discrimination laws and without regard to race, gender, creed, religion, sexual orientation, housing status, disability, family status, military status, political party, or other protected classes, they are valid and can withstand a challenge.

MONTANA STATUTES

- Section 45-8-101, MCA - Disorderly conduct.

- 1) A person commits the offense of disorderly conduct if the person knowingly disturbs the peace by:
 - (a) quarreling, challenging to fight, or fighting;
 - (b) making loud or unusual noises;
 - (c) using threatening, profane, or abusive language;
 - (d) rendering vehicular or pedestrian traffic impassable;
 - (e) rendering the free ingress or egress to public or private places impassable;
 - (f) disturbing or disrupting any lawful assembly or public meeting;
 - (g) transmitting a false report or warning of a fire or other catastrophe in a place where its occurrence would endanger human life;
 - (h) creating a hazardous or physically offensive condition by any act that serves no legitimate purpose; or
 - (i) transmitting a false report or warning of an impending explosion in a place where its occurrence would endanger human life.

- Section 45-7-302, MCA - Obstructing peace officer or other public servant

- (1) A person commits the offense of obstructing a peace officer or public servant if the person knowingly obstructs, impairs, or hinders the enforcement of the criminal law, the preservation of the peace, or the performance of a governmental function, including service of process.

POLICY FUNDAMENTALS

- A sound library patron conduct and safety policy can help ensure the library remains a safe and viable place for patrons of all ages, backgrounds, and usage types.
- A sound policy adopted in a manner consistent with law will support the decisions of the library staff when managing the day-to-day operations of the library.
- A sound policy will seek to both balance and protect the rights of each patron to access in a responsible manner in a secure facility.
- Legal compliance will be refined to reflect the specific layout of the library facility and grounds while reflecting the mission and goals of the library.
- A comprehensive policy will authorize staff to act in an efficient and reasonable manner to intervene when conduct is interfering with other patrons' rights to access information or the obligations of staff to preserve a safe library setting.
- When consistently enforced, the policy will legitimize the actions of staff consistent with board intent.

POLICY COMPONENTS

- A sound policy will state the mission of the library and justify enforcement of conduct expectations consistent with that mission.
- This mission will typically promote three guiding principles: patron right to access information, staff obligation to operate the library, and board obligation to establish a safe library setting.
 - Example: *The Mosaic Public Library serves each member of the community in a welcoming and secure setting as they pursue personal lifelong learning goals.*
- The next component of a policy will be a reference to the staff's role in delivering services, maintaining a secure setting, and enforcing policy. Ideally, this reference will be to another policy or publicly available document.
- Another component is list of prohibited conduct that is rationally related to the operations of the library using disorderly conduct statute as a guide. The list can never capture all possible misconduct so a key aspect to this list is a general statement that includes a prohibition on conduct which interferes with staff ability to operate the library.

PROHIBITED CONDUCT - EXAMPLES

Conduct Expectations

The Library welcomes all patrons to access information and library services. Each patron shall comply with staff directives and library policies to ensure other patrons may enjoy the library and so library staff can complete their duties. To honor the Library's mission and in compliance with applicable laws and policies, a Library patron on Library property shall not:

- Fight, challenging to fight, injure, or threaten to injure another person;
- Damage another's property or the property of the Library;
- Violate any provision of the criminal law of the state of Montana or town or county ordinance;
- Smoke or otherwise use tobacco, nicotine products, and vapor products inside or within 30 feet of the Library building;
- Consume or distribute alcoholic beverages, illegal drugs, or marijuana;
- Impede, delay, disturb, disrupt, or otherwise interfere with the orderly conduct of a Library function including but not limited to delivery of Library services, conducting a meeting in the Library; or completion of Library's operations;
- Enter upon any portion of Library premises at any time for purposes other than those which are lawful and authorized by the Board; or
- Discharge a firearm;
- Possess an unpermitted concealed or unconcealed weapon or firearm in the Library building;
- Use threatening, profane, or abusive language; and
- Fail to obey instructions of a security officer or Library employee.

Unless otherwise stated in this policy, "Library property" means within Library buildings, vehicles utilized by the Library, or land owned or leased by the Library or its partner county or municipality where a Library building is located.

WEAPONS

- **Section 45-8-351, MCA- Restriction on local government regulation of firearms. (1)**
Except as provided in subsection (2), **a county, city, town, consolidated local government, or other local government unit may not prohibit**, register, tax, license, or regulate the purchase, sale or other transfer (including delay in purchase, sale, or other transfer), ownership, **possession**, transportation, **use, or unconcealed carrying of any weapon, including a rifle, shotgun, handgun, or concealed handgun.**

(2) (a) **For public safety purposes, a city or town may regulate the discharge of rifles, shotguns, and handguns. A county, city, town, consolidated local government, or other local government unit has power to prevent and suppress the carrying of unpermitted concealed weapons or the carrying of unconcealed weapons to a publicly owned and occupied building under its jurisdiction.**
- **Section 45-8-352, MCA - Restriction on local government regulation of knives. (1)**
Except as provided in subsection (2), **local governments may not enact or enforce an ordinance, rule, or regulation that restricts or prohibits** the ownership, **use, possession, or sale of any type of knife that is not specifically prohibited by state law.**

(2) **Subsection (1) does not apply to a local government ordinance, rule, or regulation prohibiting the possession of a knife on property or in a building owned, leased, or possessed by the local government entity.**

ENFORCEMENT PROVISIONS - EXAMPLES

- If any person disrupts or obstructs any Library operation, program, activity, or meeting or threatens to do so, or commits, threatens to imminently commit, or incites another to commit any act that will disturb or interfere with or obstruct any lawful Library task, function, process, or procedure of any patron, official, employee, or invitee of the Library, the Library Director and designated employees are authorized to take appropriate action, as circumstances warrant, to enforce this policy including but not limited to excusing a patron from the Library building event or service and contacting authorized personnel for assistance.
- The Library Director is authorized to restrict patrons from accessing the Library or Library services for a period of up to one year for an initial violation of this policy. The restricted patron shall receive written notice via certified mail of the Director's decision and accompanying explanation. The Director shall notify law enforcement of the restriction decision. A restricted patron may request a hearing with the Board to petition the ability to regain access to the Library. Repeated violations of Library policy may result in extended and possibly permanent restrictions.
- In the event of a restricted patron's request to regain access to the Library, the Board of Trustees may conduct a hearing to consider the request. The Library shall deliver a notice of hearing containing:
 - 1.Date, time, and place of a Board hearing;
 - 2.Description of the violating conduct; and
 - 3.Description of the process for the meeting including presumption of public's right to know of the conduct in question and observe the hearing.

MONTANA LIBRARY ASSISTANCE HELPLINE



THANK YOU

Contact Information:

helpline@mtlib.org