

Chairman and Members of the Senate; thank you for your time today and allowing me to speak. For the record, my name is Autumn Richard and I am from Lefor, North Dakota. I am here today to respectfully ask for a do pass on HB1205.

North Dakota Century Code is in need of a change in order to adequately protect our minors from explicit and pornographic materials, whether it is on a computer, in a magazine, or on the shelves of our libraries and schools. By implementing this bill, we are doing our due diligence as guardians to our youth.

Pornographic and obscenity should not be considered subjective, and our laws need to clearly define these terms so that there is no confusion as to what is appropriate for minors.

There are ample studies to show that pornographic content can negatively affect a child's ability to engage in a healthy relationship, hinder their sexual development and cause long term addiction issues as it correlates to drug usage. This information should be persuasive enough that any reasonable adult would want to limit a minor's access to such material.

Our libraries acknowledge the need to limit a minor's access to explicit material on computers, but do not acknowledge the same necessity in literature. If a child cannot look up anal sex on a computer, they should not be allowed to read about it, either.

Current law prevents books, such as "Let's Talk About It" to be displayed at other businesses, but because of the caveat in our current law, there is an exclusion for libraries and schools. If Walmart cannot display books such as this, why is it considered acceptable for libraries? It is considered pornographic in either setting. This is not about targeting libraries or librarians; I understand there has been much concern about the penalty that is in place, a preexisting penalty of a class b misdemeanor. However, this bill is not about targeting librarians, but about being

fair on all levels; any entity that provides this material to minors should all face the same ramifications.

This has become a nationwide concern and North Dakota is not the only state that is instituting new laws or correcting old laws in order to better protect youth. The Department of Justice clearly states: Federal law strictly prohibits the distribution of obscene matter to minors. Any transfer or attempt to transfer such material to a minor under the age of 16, including over the Internet, is punishable under federal law. It is also illegal to use misleading website domain names with intent to deceive a minor into viewing harmful or obscene material. For example, using a cartoon character or children's television program in the domain of a website that contains harmful or obscene material may be punishable under federal law.

In addition, visual representations, such as drawings, cartoons, or paintings that appear to depict minors engaged in sexual activity and are obscene are also illegal under federal law.

It is important to note that the standard for what is harmful to minors may be different than the standard for adults, and offenders convicted of obscenity crimes involving minors face harsher penalties than if the crimes involved only adults .”

Our current federal law already attempts to protect minors from such material and our state needs to adhere to this, instead of omitting libraries and schools. By implementing these protective laws, there is no infringement of first amendment rights; obscenity and pornography are not protected by the first amendment.

Therefore, I respectfully request a do pass today for HB1205. Thank you for your time and effort.