

Members of the committee. My name is Todd Beard, Senator from Williston District 23. I am here to speak on SB 2123. The purpose of this bill is to amend 12.1-27.1 Obscenity Control. Specifically, 12.1-27.1-03.1 Objectionable materials or performance-Display to minors- Definitions- Penalty.

The sexually explicit material available to our minor children in our schools and public libraries has become a major issue in our state. One side of this issue is determined to ensure these sexually graphic books and materials be available to our children. Another side believes making available sexually graphic books and materials may cause harm to minor children. I side with the latter.

A long time ago, and not so far away the school I attended had a library which was overseen by a wonderful capable person. She took her job very seriously. She not only made sure we had material available to us, but also that it was age appropriate. She was the adult in the room. When a parent sends their children out into the world to participate in sports or the scouts or even the classroom, they expect an adult to be in the room. Taking charge. Protecting. So where are the adults in the libraries? No one wants to take responsibility. Not the librarians, the school boards, or the public library boards. In fact, many libraries shun responsibility by using an organization like the American Library Association for book selection. An agenda driven organization which has a website page dedicated in training people how to fight bills like this one to keep this material in the hands of children. Others will use a reference to the US Supreme Court case known as "Pico". This is a false argument. The one thing that all nine justices agreed on was that school boards absolutely have the right to remove vulgar material from the library. The concern of the justices which affirmed the lower court decision was to ensure political speech was not removed. In other words, the writings of people like Thomas Jefferson, Abraham Lincoln and Martin Luther King Jr could not be removed by the school boards.

We have existing law which agrees that minors should be afforded protections from this material. All my amendment does is provide clarification that includes not only visual depictions, but also written descriptions. Words matter. Printed sexually explicit material has similar effects as visual material. Therefore, any adult that clearly makes available this material to minor children could be charged with a class B misdemeanor. Currently in our state there are public schools and public libraries not only ensuring this material is available, but also in some cases even promoting it. To what end? Let's make sure there is an adult in the room.

The second part of the amendment strikes out the exemption. The purpose of this is because it is duplicated in century code. If you refer to 12.1-27.1-11 you will find these same exemptions with the clarification of it being for adults only.

I ask for a Do Pass vote and will try to answer any questions you may have.

Thank You

Senator Todd Beard