

Testimony in Support of HB 1604
Carter Hass,
February 13, 2025

Mr. Chairman Mr. Vice Chairman and Honorable Members of the Senate Education Committee. I strongly urge you to give a “DO NOT PASS” recommendation for this legislation.

Interestingly enough, I’m not against this legislation to a considerable extent. I believe that limiting minors' access to any sexual content is an extremely good thing. Still, I think this legislation fails in 3 key area areas: first in definition, second in enforcement, and 3rd in punishment.

First, this legislation fails to define a reasonable person, an average person, and the definition of serious literary, artistic, political, or scientific value, as stated in section one subsection five and subdivisions A, B, and C. The definitions of these matter because we cannot take a subjective viewpoint when it comes to sexually explicit material or obscene material and obscene performance. If this bill can be interpreted in a way the author did not intend, it could be used against public rights. I would define Melania Trump’s biography with serious literary, artistic, political, or scientific value even though there are pictures of women with no bra on turned around from the camera so that you can't see anything inappropriate. But some people might define things differently than I do. Maybe somebody thinks that the Bible is explicit because of its depiction of rape and death. Do we then remove the Bible from libraries? Definitions in law, especially on hot-topic issues, are fundamental. As I have showcased here, when you do not define law, it can be interpreted in many ways and almost always goes wrong.

Next, this law requires that all libraries have a verification of age if they provide certain materials online that could be considered inappropriate. However, libraries in ND currently do not have the funding, people, or resources to support this verification. This bill doesn’t give them those resources. And surprisingly enough, the punishment for not following this rule would be freezing their funding. That’s like telling a police officer. You must enforce the law, but we’re not giving you any resources to do it, and if you don’t do your job, we’ll fire you. This is how you kill every library in North Dakota. This legislation fails to provide how the verification systems should work, and because it so broadly defines explicit sexual material, many books without pictures and yet with wording that could be considered sexual would have to be removed from the online database. To put it simply, online databases for libraries wouldn’t exist anymore. While, this may not be the intention of the legislation, it will be its impacts if passed.

This legislation fails to adequately define its key language while pushing a regulation on libraries, which they can’t uphold in the status quo. It gives them no resources to do so. It then charges anyone involved in the distribution of “inappropriate material” with a class B misdemeanor. I work at the Valley City Barnes County Public Library. Those people have undergone extensive training to pick out books for the public. The same people who picked the book “Let’s Talk About It” are the ones who pushed for JD Vance’s biography to be selected for our collection. So they’re not doing it for politics and they’re also not bad people.

I grew up going to that library. My family never trusted the busing system, so we walked over to the library after school to do our homework while waiting for Mom to pick us up. I work with many family and friends, and the people there are not bad. They're family. They have kids, they're Christian, and ultimately, they don't pick out books for politics. They pick out books that people request. They serve the people of my town better than anyone else I know. And I love them with all my heart. Whatever the intentions of this legislation are, please review it and consider its impact. I don't support sexually explicit material anywhere. But I want to ensure everyone has the freedom to read and that we do this right. I urge that you give this legislation a DO NOT pass recommendation. Thank you. "I am testifying by my own free will and not on behalf of the Valley city Barnes County Public library."

Carter Hass.