

Chairman Klemin and Members of the House Judiciary Committee,

My name is Kimberly Hurst and I reside in District 1. I am asking that you please render a DO pass on SB2360.

I am a mom of four children who are enrolled in the public school system. To say I am *stunned* with the kind of sexual material that has come from their school libraries is a serious understatement. As many of you are likely aware, the level of misbehavior and rapid decline in mental health concerning our youth is unparalleled to anything we have ever seen before. It's basic common sense that minors should not be exposed to obscene material and that by doing so, the mental, emotional and moral damage it produces is life-altering. It should be a priority to the lawmakers of North Dakota to protect our children.

It doesn't take a high level of intelligence to understand the definitions and penalties outlined in this bill. The definitions for *obscene material* and *obscene performance* are lucid and the context is indisputable. These definitions are not confusing North Dakota education requirements or accent any literacy value lost, there is a definitive difference between basic human biology and *explicit sexual material*. It is also counterintuitive to identify this bill as a violation of First Amendment Rights. The First Amendment does not protect anyone from the federal consequences of violating 18 U.S. Code § 1470- *Transfer of obscene material to minors* with penalties of fines and up to 10 years of imprisonment. The First Amendment is not uniform with obscenity laws.

The other opposing argument that seems to be the center point is that we all have the authority to exercise our parental rights by choosing which books we want our children to read. In retrospect with my experience of finding obscene materials in my children's school libraries, I

argue that my parental rights are not taken into account. I am unable to chaperone my children while they are in their school's library and vet the book that they choose to read. This leaves children vulnerable to the potential inappropriate content within the books and completely disregards parental rights. I expect my school district to uphold a higher standard and trust that they will vet the books that are being filtered in and to protect our children but it has become apparent that they do not. I have discovered *dozens* of obscene books throughout various schools in my local school district. Which is why I am here today, urging you to support SB2360 and enforce a higher standard for our public school libraries and public libraries to safeguard the children in North Dakota.

Thank you for your consideration of this important matter and for your service to the state of North Dakota.

Kimberly Hurst