

Opposition to SB2123

Senate Judiciary Committee:

I'm opposed to SB2123 for a multitude of reasons. I'll outline them briefly and give examples as to why the current 12.1-27.1-03.1 of the North Dakota Century Code should stay as is and is serving the purpose it is intended to well.

1. Change: Removing "is principally made up of" to "contains" depictions or written descriptions of nude or partially denuded human figures posed or presented in a manner to exploit sex, lust, or perversion ~~for commercial gain.~~

This language is broad and undefinable as what is perversion to one is not perversion to another. Depending on your culture, upbringing, and religious beliefs this is opinion and would violate freedom of speech and religion (and from religion) as seen in the next example.

Changing the language to "contains" any of the above would remove thousands of books in the library including the Bible.

Genesis 19:35 : So that night they got him drunk with wine again, and the younger daughter went in and had intercourse with him. As before, he was unaware of her lying down or getting up again.

Genesis 38:8-9 : Then Judah said to Onan, "Sleep with your brother's wife and fulfill your duty to her as a brother-in-law to raise up offspring for your brother." But Onan knew that the child would not be his; so whenever he slept with his brother's wife, he spilled his semen on the ground to keep from providing offspring for his brother.

Those are two examples that are presented in a manner that is exploiting lust and perversion in the Bible. All materials that make reference to any of the above, and many more examples, would have to be removed as well.

2. Change: ~~"The above shall not be construed to include a bona fide school, college, university, museum, public library, or art gallery."~~ The above being stricken from the document along with Change 1 now means that any material about anatomy, sexual health, sex education, romance novel, partially nude sculptures, etc. would be banned. The above change would remove educational and historical materials used without issue since their creation. Sculptures such as Michelangelo's "David" or any material containing it would become a violation of this law.

In line with the above a library, university, museum, art gallery, etc. could not teach about, contain or display artwork with nude or partially nude figures. Everyone has the same freedoms, we all have the freedom to not view, read, attend, or listen to materials we object to. Parents have the right to prevent their children from attending events or reading books they object to. None of the above material is being forced on anyone, but SB2123 requires removing freedom of speech and expression for everyone.

Thank You,
Brian Kopp
Dickinson ND