



NORTH DAKOTA

Family Alliance LEGISLATIVE ACTION

Testimony Supporting House Bill 1561

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Dear Chairman Barta and honorable members of the Senate Industry and Business Committee,

My name is Mark Jorritsma and I am the Executive Director of North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of House Bill 1561 and respectfully request that you render a “DO PASS” on this bill.

Our organization and its constituents feel strongly that we must eliminate child access to obscene and pornographic materials from online sources. I have heard time and again that parents worry about what their children see on internet sites, despite ad blockers, malware suppression programs, and software designed to let parents prevent their child’s access to these types of sites.

There is ample evidence of the harm from pornography and obscenity (hereafter collectively “pornography”), particularly as it relates to children, such as: “increased rates of depression, anxiety, acting out and violent behavior, younger age of sexual debut, sexual promiscuity, increased risk of teen pregnancy, child sex abuse, sexual trafficking, and a distorted view of relationships between men and women.”¹ It would seem that ensuring our children do not have access to these materials, while simultaneously ensuring that companies producing and displaying it do not have their constitutional rights violated, would be the best possible solution. That is precisely what this bill seeks to do.

House Bill 1561 would require age verification for accessing pornographic materials. There are currently “age verification” mechanisms for internet pornography sites, but these are self-regulated by the companies and consist of no more than clicking a button that says the viewer is over 18 years of age. That is hardly any type of effective age verification. Instead, this bill would require a government-issued document or other independent digital source of age verification.

¹ American College of Pediatricians. <https://acpeds.org/position-statements/the-impact-of-pornography-on-children>



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A second major feature of this bill is that civil action may be brought against companies who violate this law. It puts teeth into the bill, which is refreshing and creates greater incentive for compliance.

That being said, I would like to address some of the concerns expressed about this bill. First, we have heard the adage that we should not get to decide what children read and see. However, we decide what children can read and see all the time. This includes restricting children from watching R-rated movies, seeing the covers of pornographic magazines in stores, deleting phishing scam emails at the server level before they ever reach your inbox, or even stopping threats to public safety such as shutting down internet sites that contain detailed plans on terrorist training. We (and our government) are able to, and in certain cases are morally obligated to, restrict what others can see or read. On top of all that is the fact that parents are the final arbiters of what happens to their children.

Another objection to this type of legislation is sometimes the assertion that it is the job of a parent/legal guardian to filter content for their child. We agree, however, children can be exposed to pornography their parents wouldn't approve of before the parents even discover it. In other words, you can't opt out your child from accessing pornographic materials if you don't know where it might exist, and companies who produce these materials have no compulsion nor incentive to inform parents of this. Further, if a child locates a source of pornography, it is very likely that they will at some point share that content with their best friend and perhaps others their age. In fact, experience and an understanding of child social dynamics suggests that the more enticing the subject matter, the higher the likelihood it will be shared.

This bill has nothing to do with trampling constitutional rights or trying to have our children grow up in a bubble. This bill has everything to do with protecting our children from pornography and having their innocence stolen from them by inappropriate materials.

Protecting children from this type of content is something that we at North Dakota Family Alliance Legislative Action agree with wholeheartedly. Because of this reason, we ask that you render a "DO PASS" on House Bill 1561.

Thank you for the opportunity to testify and I would be happy to stand for any questions.