

IN THE HOUSE OF REPRESENTATIVES

HOUSE RESOLUTION NO. 23

BY WAYS AND MEANS COMMITTEE

A HOUSE RESOLUTION

STATING FINDINGS OF THE HOUSE OF REPRESENTATIVES, AFFIRMING THE HOUSE'S COMMITMENT TO ENSURING THAT IDAHO POLICY SAFEGUARDS IDAHO CHILDREN FROM EXPOSURE TO MATERIAL HARMFUL TO MINORS IN LIBRARIES AND K-12 SCHOOLS, AND AUTHORIZING HOUSE LEADERSHIP TO ESTABLISH A CERTAIN WORKING GROUP.

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, Article III, Section 24 of the Idaho Constitution affirms the bedrock principle that the "first concern of all good government is the virtue and sobriety of the people" and further directs the Idaho Legislature to enact policies that promote temperance and morality; and

WHEREAS, the Idaho Legislature has long declared its policy to "restrain the distribution, promotion, or dissemination" of obscene material or material harmful to minors as provided in Section 18-1513, Idaho Code; and

WHEREAS, the Idaho Legislature has long recognized that material harmful to minors is a contributing factor to crime and juvenile crime and is also a basic factor in impairing the ethical and moral development of our youth as provided in Section 18-1513, Idaho Code; and

WHEREAS, the Idaho Legislature has determined that the proliferation of pornographic materials is a public health crisis that, among other things, inflicts harm on children, families, and societies at large as provided in House Concurrent Resolution 50, 2018; and

WHEREAS, the Supreme Court of the United States confirmed in United States v. American Library Association that states have a compelling government interest in protecting young library users from material inappropriate for minors; and

WHEREAS, Idaho parents should reasonably expect that their children will not encounter material harmful to minors while making use of the culturally enriching materials, services, and programs provided by public school and community libraries; and

WHEREAS, the Idaho Library Association acknowledges the value of Sections 18-1513, 18-1514, and 18-1515, Idaho Code, including the statutory definition of "harmful to minors," in ensuring that obscene material is not made available in sections of the library designated for minors. The Association has affirmed its commitment to ensuring that libraries are a place where the safety of children is prioritized. The Association states that it is committed to working with state lawmakers to this end; and

WHEREAS, the Idaho Commission for Libraries has committed to: (1) Verifying that its resources for K-12 students comply with Sections 33-2508 and 33-137, Idaho Code; (2) Incorporating references to relevant statutes regarding obscene material in the Commission's Electronic Resources Collection Development Policy; and (3) Providing a written report to the House Working Group for Protecting Idaho Children from Material Harmful to Minors in Libraries.

1 NOW, THEREFORE, BE IT RESOLVED by the members of the House of Represen-
2 tatives, assembled in the Second Regular Session of the Sixty-sixth Idaho
3 Legislature, that the House of Representatives affirms its continued com-
4 mitment to cooperatively and proactively ensuring that Idaho policy safe-
5 guards Idaho children from exposure to material harmful to minors, as de-
6 fined in Section 18-1514, Idaho Code, in libraries and K-12 schools.

7 BE IT FURTHER RESOLVED that House leadership is authorized to appoint a
8 House Working Group for Protecting Idaho Children from Material Harmful to
9 Minors in Libraries. Such working group shall include members of the House
10 of Representatives, a member of the Idaho Library Association, and the State
11 Librarian of the Idaho Commission for Libraries.