

Republican Party of Texas
Legislative Priority:

Stop Sexualizing Texas Kids

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Legislative Priority: Stop Sexualizing Texas Kids

Repeal Texas Penal Code “Obscenity Exemption” 43.24(c), which allows children access to harmful, explicit, or pornographic materials and 43.25(f)(2-3), which allows sexual performance by a child.

In addition, prohibit teaching, exposure, and/or discussion of sexual matters (mechanics, feelings, orientation, or “gender identity” issues), and prohibit use or provision of related books and other materials using criminal, civil or other enforcement measures.

Top Legislative Solutions:

- Repeal the “Obscenity Exemption” aka the Affirmative Defense
- Amend the Modified Miller Test
- Create Non-Voluntary Suitability Standards for School Library Materials
- Prohibit Discussions Related to Sexual Orientation and Gender
- Online Age Verification for Pornography & Pornography Filters
- Prohibit Sexual Oriented Performances in front of Children
- Make Sexual Grooming a Child a Crime

Solution: Repeal The “Obscenity Exemption” aka Affirmative Defense

THE “EXEMPTIONS” ARE THE “AFFIRMATIVE DEFENSE” CLAUSES:

43.24:

(C) IT IS AN AFFIRMATIVE DEFENSE TO PROSECUTION UNDER THIS SECTION THAT THE SALE, DISTRIBUTION, OR EXHIBITION WAS BY A PERSON HAVING SCIENTIFIC, EDUCATIONAL, GOVERNMENTAL, OR OTHER SIMILAR JUSTIFICATION.

43.25:

2) THE CONDUCT WAS FOR A BONA FIDE EDUCATIONAL, MEDICAL, PSYCHOLOGICAL, PSYCHIATRIC, JUDICIAL, LAW ENFORCEMENT, OR LEGISLATIVE PURPOSE; OR LEGISLATIVE PURPOSE; OR THE DEFENDANT IS NOT MORE THAN TWO YEARS OLDER THAN THE CHILD.

HB 111, HB 552, HB 571, HB 976 & HB 869. SB 395 AND SB 437

Harmful To Minors Statute & The Modified Miller Test

Under current statute, harmful material is defined as material whose dominant theme taken as a whole:

(1) appeals to the prurient interest of a minor, in sex, nudity, or excretion;

(2) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and

(3) is utterly without redeeming social value for minors

Penal Code §43.24(b)

Harmful To Minors Statute & The Modified Miller Test

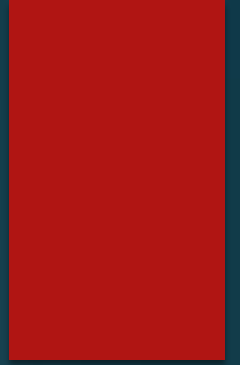
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Solution: MANDATORY Suitability Standards for School Library Collections



CREATE A STATE STANDARD THAT DEMONSTRATES A COMMITMENT TO PROTECTING CHILDREN FROM INAPPROPRIATE & HARMFUL MATERIALS, INCLUDING:

THE PROHIBITION OF LIBRARY MATERIALS THAT CONTAIN SEXUALLY EXPLICIT CONTENT AND/ OR FILTH

HB 900 and SB 13

- Mandate Collection and Development Policies
- HB 900 requires vendor labeling. Requires vendors to recall sexually explicit materials.
- SB 13 creates a parent and community driven library selection policy.



Prohibit Discussions Related to Sexual Orientation and Gender

- Schools “Celebrating” Pride Week—
“Including, Drag Queen Performances
- Curriculum that contains “woke” critical sex theory language such as “pregnant persons”
- Trans Teachers
- Counseling Without Parental Consent or Notification
- SB 1072



Online Age Verification for Online Pornography & Pornography Filters for Cellular Devices

- ▶ SB 417 by Senator Paxton requires all cellular devices activated in the State of Texas to have a filter for pornography. It will require Texans to “opt out” of the pornography filter that automatically comes on cellular devices, rather than “opt into” them.
- ▶ SB 2021 by Senator Paxton requires age verification for online pornography, using government issued photo identification or stringent transactional data. The language is similar to a Louisiana law that went into effect this year.
- ▶ HB 3570 by Rep. Schatzline requires age verification for online pornography, using government issued photo identification or stringent transactional data. The language is similar to a Louisiana law that went into effect this year.
- ▶ HB 3357 by Rep. Schatzline creates a civil penalty for those who knowingly expose children to obscene materials.

Prohibit Sexual Oriented Performances in front of Children

SB 12 BY SENATOR HUGHES IS THE ONLY BILL RELATED TO SEXUALLY ORIENTED PERFORMANCES IN FRONT OF MINORS THAT IS CURRENTLY MOVING. THIS IS A GREAT BILL, WITH A STRONG DEFINITION FOR WHAT A DRAG PERFORMANCE IS.

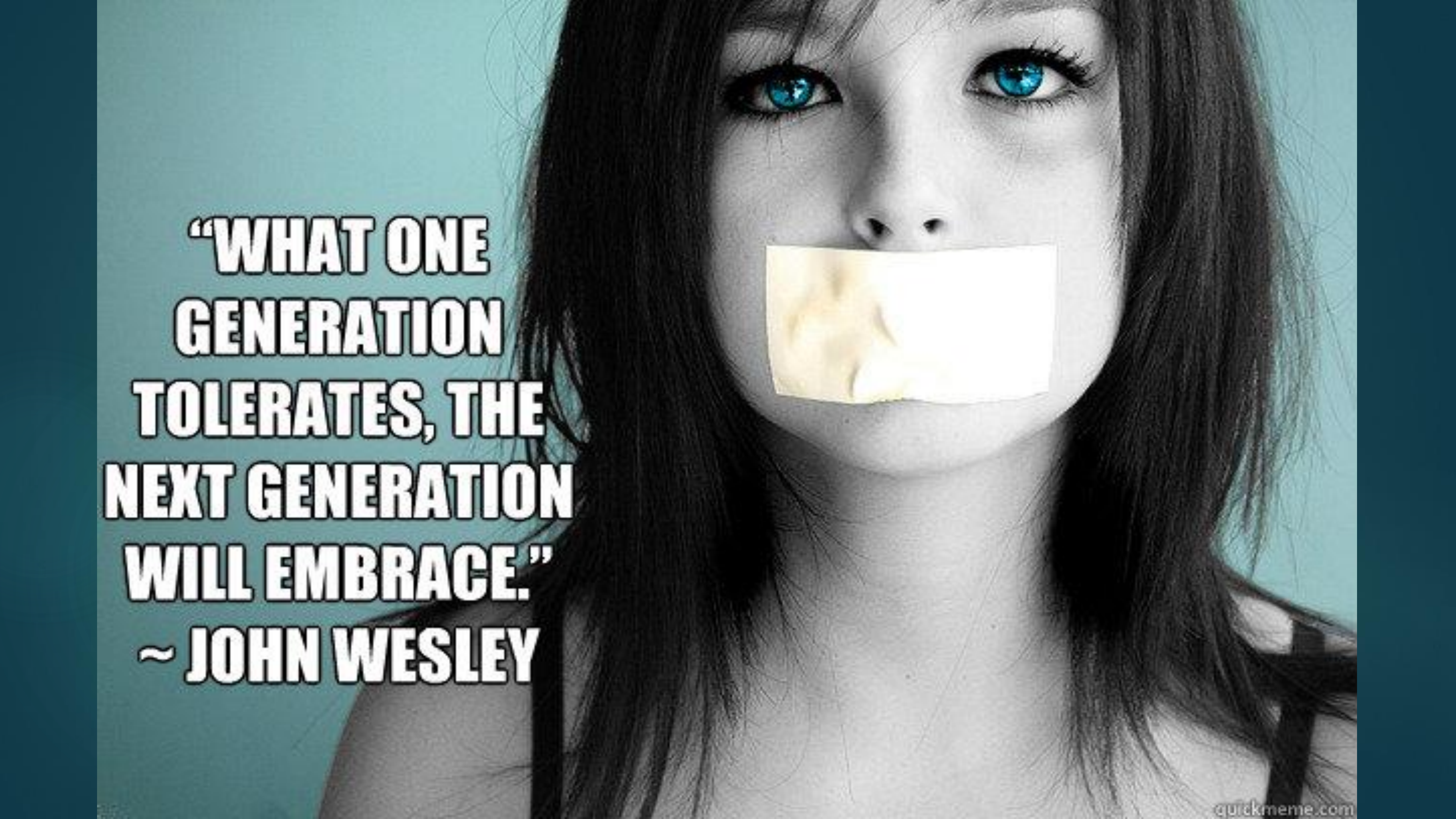
IT PROHIBITS ALL SEXUALLY ORIENTED PERFORMANCES ON PUBLIC GROUNDS AND IN FRONT OF MINORS. ENFORCEMENT IS THROUGH BOTH CRIMINAL AND CIVIL PENALTIES. SB 12 WAS JUST VOTED OUT OF THE SENATE THIS WEEK!



Criminal Penalty for Sexual Grooming

SB 1562 CO-AUTHORED BY SEN. HANCOCK AND SEN. HUFFMAN WILL MAKE IT A FELONY TO KNOWINGLY PERSUADE, INDUCE, ENTICE, OR COERCE A CHILD YOUNGER THAN 18 YEARS OF AGE TO ENGAGE IN SPECIFIC SEXUAL CONDUCT THAT VIOLATES EXISTING PENAL CODES RELATED TO SEXUAL EXPLOITATION. ON APRIL 4TH, SB 1507 WAS HEARD IN THE SENATE CRIMINAL JUSTICE COMMITTEE WHERE IT WAS UNANIMOUSLY VOTED OUT OF COMMITTEE AND PLACED ON THE INTENT CALENDAR. WE EXPECT IT TO BE VOTED OUT OF THE SENATE AS EARLY AS NEXT WEEK!

SB 1527 BY SEN HUFFMAN INCLUDES SB 1562 AND IT PASSED THE HOUSE ON 5/8/23.



**“WHAT ONE
GENERATION
TOLERATES, THE
NEXT GENERATION
WILL EMBRACE.”
~ JOHN WESLEY**



Thank you!

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