

Prohibit Obscenity in Schools Act

[SF1609](#) and [HF232](#)

MN bills 2021-2022

1. Obscenity is harmful to minors

Obscenity is defined in Minnesota Statute as harmful to minors:

Minnesota statute 617.291:

Subdivision 1. Finding. The legislature finds that sexually explicit materials and exhibitions presented before an audience are harmful to minors.

Subdivision 2. Best interest. It is in the best interest of the health, welfare, and safety of the citizens of this state, and especially of minors within the state, that commercial dissemination, and dissemination without monetary consideration in a place of public accommodation, of sexually explicit written, photographic, printed, sound or published materials, and of plays, dances, or other exhibitions presented before an audience, that are deemed harmful to minors, be restricted to persons over the age of 17 years;

Minnesota statute [617.241 Subdivision 1 (a)] states:

Subdivision 1: (a) "Obscene" means that the work, taken as a whole, appeals to the prurient interest in sex and depicts or describes in a patently offensive manner sexual conduct and which, taken as a whole, does not have serious literary, artistic, political, or scientific value. In order to determine that a work is obscene, the trier of fact must find:

- (1) that the average person, applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest in sex;
- (2) that the work depicts sexual conduct specifically defined by paragraph (b) in a patently offensive manner; and
- (3) that the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

2. **Comprehensive Sex Education (CSE) curriculum materials are unnecessarily graphic and sexually explicit** and numerous other CSE curriculum texts. Examples: [It's Perfectly Normal](#), [3Rs](#), [S.E.X: All You Need to Know Sexuality Guide...](#) In any other venue, this curriculum would be identified as obscene and pornographic. Using cartoons to communicate obscenity in *It's Perfectly Normal* is particularly invasive for children. Some CSE materials provide links to websites which are sexually explicit with hard-core porn just a few clicks away. Many schools do not have adequate filters for computers with internet access.
3. The obscenity exemption for schools allows obscene materials to expand to include "young adult" novels, lectures, films, textbooks and internet content in all subject areas. This means that "opting

out” of “sex ed” does not protect children from these materials.” Example: [Eleanor & Park on Summer Reading List Not Fit for Kids.pdf](#).

4. The public expects and should be able to assume that public schools are a safe place for minors. Intentionally exposing them to obscenity puts children directly in harm’s way.
5. We are hearing strong and angry objections from parents and the public that schools are exposing their minor children to pornographic materials that in any other circumstances would be considered criminal.
6. Nothing in the obscenity law or other statute, prohibits schools from teaching human anatomy, biology or avoiding sexual risks, and these bills do not change that.
7. No school district should be permitted to show obscenity to children. No Minnesota tax dollars should be used to show obscenity to children.
8. By exempting “educational” materials from obscenity laws, students are often exposed to erotic information and groomed to accept sexual exposure as a social norm. Any adult other than a teacher would be arrested for breaking obscenity laws. [According to the FBI](#), sexual predators use obscene, pornographic imagery and explicit sexual instruction to remove natural defenses – to groom children for abuse. “The FBI's Innocent Images Task Force has conducted several hundred online investigations where the agents pose as children. The agents report that sexual predators routinely send images of child pornography to them as part of the grooming process to increase the likelihood of a sexual encounter... The purpose behind this is clearly to lower the inhibitions of the person the offender believes is a child and to convince the child that the activity is fun and acceptable.”
9. [An estimated one in ten K–12 students](#)—about 4.5 million children—will experience sexual abuse at the hands of a school employee at some point in their education. Obscene materials in schools increase students’ vulnerability to this abuse. Again, according to the FBI, sex offenders commonly “give instructions to children about how to masturbate, perform oral sex and/or engage in sexual intercourse.” They “lower the sexual inhibitions of children.” They “desensitize children to sex.”

Additional References

- [Obscenity Laws: How obscenity affects our children, our schools and our communities](#)
- [Statutory “Obscenity Exemptions” Breed a School “Sexual Rights” Agenda And Child Sex Abuse Epidemic](#)
- [A Case Study of K-12 School Employee Sexual Misconduct: Lessons Learned From Title IX Policy Implementation](#)