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HOUSE JOINT RESOLUTION 65

By Cepicky

A RESOLUTION to urge the U.S. Congress to pass the Shielding Children's Retinas from Egregious Exposure on the Net (SCREEN) Act.

WHEREAS, it is estimated that eighty percent of minors between the ages of twelve and seventeen have been exposed to pornography, with fifty-four percent of teenagers seeking it out; and

WHEREAS, the internet is the most common source for minors to access pornography, with pornographic websites receiving more web traffic in the United States than X, Netflix, Pinterest, and LinkedIn combined; and

WHEREAS, the Kaiser Family Foundation has found that filters do not work on one in ten pornography sites accessed intentionally and one in three pornography sites that are accessed unintentionally; and

WHEREAS, since 2022, nineteen states, including Tennessee, have passed laws requiring entities disseminating material harmful to minors online to comply with age verification standards, but with the exception of Texas, there has been little evidence of change in such states, and nearly all such content remains accessible online to children in the U.S.; and

WHEREAS, the obscenity industry considers the line of legality to be drawn by prosecutors, not by legislators, and pornographers have responded by self-regulating when obscenity laws have been enforced; and

WHEREAS, the U.S. Supreme Court has ruled that, "transmitting obscenity and child pornography, whether via the Internet or other means, is... illegal under federal law for both adults and juveniles" in *Reno v. ACLU*, 521 U.S. 844 (1998); and

WHEREAS, although obscenity is not constitutionally protected speech, and violations of federal obscenity laws are criminal offenses, the U.S. Department of Justice has failed to prioritize enforcement of these laws, which neglect has contributed to the uninhibited access of harmful material online by children: *Miller v. California* [1973]; 18 U.S.C. § 1460-1470; and

WHEREAS, members of the U.S. Congress have made recent attempts to curb children's access to obscene and harmful material online, for example the Shielding Children's Retinas from Egregious Exposure on the Net (SCREEN) Act, sponsored by Senator Mike Lee of Utah and Representative Mary Miller of Illinois, which would create an age-verification standard nationwide, but such legislation has yet to become law; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FOURTEENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we urge the United States Congress to pass the Shielding Children's Retinas from Egregious Exposure on the Net (SCREEN) Act or any similar legislation that holds online pornographers accountable for obscene and harmful material they make available to children.

BE IT FURTHER RESOLVED, that we urge the State of Tennessee to aggressively enforce the Protect Tennessee Minors Act to ensure children are protected from obscene and harmful material online.

BE IT FURTHER RESOLVED, that we urge the U.S. Department of Justice to prioritize the enforcement of federal obscenity laws and especially violations committed via interactive computer service.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate, each member of the Tennessee Congressional

delegation, the Attorney General of the United States of America, and the Attorney General of the State of Tennessee.