

Proponent of SB-56. Phillip Cosby of American Family Action of
Kansas and Missouri. February 2016

Chairman Barker and honorable members of the House Judiciary
Committee. I stand to speak in support of SB 56

21-6402. Promotion of material harmful to minors.

Line 9: inserting "or public" makes the law congruent with lines 22-35
of page 1 which includes public institutions within the body of the law.

Line 20 reads: "it shall be an affirmative defense to any prosecution"...
and reads in line 23 the words "public, private or parochial school and
lines 26 & 28 the words "school".

This "affirmative defense" for K-12 schools is a discouraging second
hurdle for any enforcement, effectively exempting K-12 educators from
the law that all other citizens are held accountable.

In Kansas the harmful to minors law loses its protective effectiveness the
moment a kindergartner enters the school building.

Educators of K-12 children especially should give pause and exercise
thoughtful judgment on materials that could be considered patently
offensive and harmful.

There is already a defense for educators in the Kansas harmful to
minors' law that is patterned after the SOCOTUS three part 1973
"Miller" test found in lines 21-31. Especially lines 29-31 of page 2.

Last year's hearing included this poster and testimony of a father after
his discovering a "sexual feelings" poster hanging in his 13 year old's
classroom as part of a new national sex education program. Verbiage so
objectionable that even late night TV news broadcasts blurred the
words in question so as not to offend viewers.

After much public scrutiny by parents, media and the legislature this
poster and associated curriculum was reconsidered and removed. This
kind of carefulness should be inherent in K-12 educators.

Thank You,

Phillip Cosby, State Director

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