



Republican Party of Texas Legislative Priority: Stop Sexualizing Texas Kids:

Legislative Solutions Specific To Texas Schools

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.

Problem:

Texas minors are being exposed to sexually inappropriate materials, discussions, and teachings through library materials, curriculum, and programs in Texas public schools.

School library materials are managed through local control, with voluntary recommendations and guidelines developed by the Texas State Library Archives Commission in consultation with the State Board of Education. Discussion of sexual matters outside of human sexuality instruction are taking place without parental consent.

Top Legislative Solutions One:

Repeal Texas Penal Code “Affirmative Defense” aka “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.

We Recommend Striking the “Affirmative Defense Clauses” In Their Entirety:

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.

Modify the definition of the “Harmful to Minors” in 43.24, which provide significant loopholes.

We recommend changes to the current code as follows:

Sec. 43.24. SALE, DISTRIBUTION, OR DISPLAY OF HARMFUL MATERIAL TO MINOR. (a) For purposes of this section:

